LAWS, RESOLUTIONS AND MEMORIALS

OF THE

STATE OF MONTANA

PASSED AT THE

ELEVENTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

Held at Helena, the Seat of Government of said State,
Commencing January 4th, 1909, and
Ending March 4th, 1909.

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Certificate of Authentication

STATE OF MONTANA. }
Secretary's Office. } ss.

I, A. N. Yoder, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Eleventh Regular Session of the Legislative Assembly of said State, commencing January 4th, 1909, and held at Helena, the seat of government of said State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State, this second day of April, A. D. 1909.

[SEAL]

A. N. YODER,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

ELEVENTH LEGISLATIVE ASSEMBLY

OF THE

STATE OF MONTANA

Governor, EDWIN L. NORRIS.

Lieutenant Governor and President of the Senate

W. R. ALLEN.

Speaker of the House of Representatives

W. W. McDOWELL.

STATE SENATORS

NAME.	Politics	County.	Postoffice Address.
*Albright, Jacob	Rep.	Madison	Virginia City
*Annin, J. B.	Rep.	Yellowstone	Columbus
*Cardwell, Edward	Dem.	Jefferson	Jefferson Island
Cockrell, W. M.	Dem.	Powell	Deer Lodge
Conrow, John M.	Dem.	Park	Livingston
*Cowgill, William	Rep.	Teton	Choteau
Daly, Patrick J.	Dem.	Deer Lodge	Anaconda
*Donlan, Edward	Rep.	Missoula	Missoula
*Edwards, J. E.	Rep.	Rosebud	Forsyth
*Everett, T. M.	Rep.	Chouteau	Harlem
*Fairbanks, C. E.	Rep.	Sanders	Plains
*Haviland, W. H.	Dem.	Silver Bow	Butte
Kessler, Charles N.	Rep.	Lewis and Clark	Helena
*Long, Thomas D.	Dem.	Flathead	Kalispell
*Metcalf, George	Rep.	Granite	Philipsburg
Meyer, W. F.	Rep.	Carbon	Red Lodge
*Muffley, Charles S.	Dem.	Broadwater	Winston
McCarthy, J. C.	Dem.	Gallatin	Bozeman
McCone, George	Rep.	Dawson	Glendive
McDonnell, Charles	Rep.	Sweet Grass	Melville
*Rae, H. M.	Rep.	Fergus	Gilt Edge
*Romney, Miles	Dem.	Ravalli	Hamilton
*Sanders, James	Rep.	Cascade	Great Falls
Selway, E. O.	Rep.	Beaverhead	Dillon
Sykes, Harrison N.	Rep.	Custer	Ekalaka
Tooley, C. P.	Rep.	Meagher	Two Dot
*Truscott, J. L.	Dem.	Valley	Glasgow

* Holdovers, Elected 1906.

NATHAN GODFREY, Secretary.

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HOUSE OF REPRESENTATIVES

NAME.	Politics	County.	Postoffice Address.
Allen, W. J.	Dem.	Deer Lodge	Anaconda
Arnett, Frank C.	Rep.	Valley	Culbertson
Bogart, D. D.	Rep.	Missoula	Missoula
Brewster, Geo. W.	Rep.	Rosebud	Birney
Berkin, John	Dem.	Silver Bow	Butte
Burke, Ed	Dem.	Deer Lodge	Anaconda
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Byrnes, Owen	Dem.	Lewis and Clark	Marysville
Christler, L. J.	Dem.	Chouteau	Havre
Clayberg, H. L.	Dem.	Lewis and Clark	Helena
Cluston, William	Dem.	Cascade	Great Falls
Colt, A. B.	Rep.	Sweet Grass	Big Timber
Connelly, Frank B.	Rep.	Yellowstone	Billings
Crouch, Samuel J.	Dem.	Broadwater	Three Forks
Crutchfield, Chas. M.	Dem.	Ravalli	Hamilton
Cummings, Hugh T.	Rep.	Granite	Drummond
Cummings, T. A.	Rep.	Chouteau	Fort Benton
Derry, Chas. A.	Rep.	Missoula	Missoula
Dowling, P. F.	Dem.	Jefferson	Basin
Duncan, M. M.	Dem.	Madison	Virginia City
Edgerton, John	Rep.	Lewis and Clark	Helena
Eliel, Frank	Rep.	Beaverhead	Dillon
Elliott, W. T.	Dem.	Powell	Race Track
Frank, H. A.	Dem.	Silver Bow	Butte
Garber, J. D.	Dem.	Sanders	Plains
Gibson, Fred L.	Rep.	Park	Livingston
Giovanetti, Henry	Dem.	Silver Bow	Meaderville
Gray, A. H.	Rep.	Cascade	Great Falls
Groff, H. Clay	Dem.	Ravalli	Victor
Hall, Harry	Rep.	Lewis and Clark	Helena
Hammond, J. S.	Dem.	Silver Bow	Butte
Hanifen, T. J.	Dem.	Granite	Drummond
Hayes, John	Dem.	Cascade	Great Falls
Harbert, James	Rep.	Flathead	Kalispell
Hunter, James	Rep.	Custer	Miles City
Hutchinson, E. M.	Rep.	Flathead	Whitefish
Jacobson, Martin	Rep.	Teton	Cut Bank
Kelsey, S. R.	Rep.	Custer	Brandenberg
Kilgallon, T. S.	Dem.	Silver Bow	Butte
King, James	Dem.	Silver Bow	Butte
Largey, E. C.	Dem.	Silver Bow	Butte
Lehrkind, Carl	Dem.	Park	Livingston
Lowney, Pat	Dem.	Silver Bow	Butte
Maxwell, D. C.	Rep.	Dawson	Glendive
Metzel, Frank S.	Rep.	Madison	Metzelson
Mitchell, Harold G.	Dem.	Deer Lodge	Warm Springs
Murray, J. T.	Rep.	Beaverhead	Wisdom
McDowell, W. W.	Dem.	Silver Bow	Butte
MacGinniss, John	Dem.	Silver Bow	Butte
McCoy, C. E.	Dem.	Gallatin	Belgrade
Norton, T. J.	Dem.	Silver Bow	Butte
O'Donnell, Neil	Dem.	Silver Bow	Walkerville
Owenhouse, E. J.	Dem.	Gallatin	Bozeman
Pierson, George W.	Dem.	Carbon	Red Lodge
Pomeroy, H. C.	Rep.	Flatnead	Kalispell
Roy, Joseph S.	Dem.	Deer Lodge	Anaconda
Safley, George R.	Rep.	Gallatin	Bozeman
Shaw, S. A.	Rep.	Meagher	Harlowton
Shoemaker, J. A.	Rep.	Lewis and Clark	Helena
Smith, Dr. C. W.	Rep.	Fergus	Kendall
Thompson, Rufus B.	Rep.	Fergus	Lewistown
Swick, C. L.	Rep.	Deer Lodge	Anaconda
Ward, William E.	Dem.	Cascade	Great Falls
Warren, Fred R.	Dem.	Jefferson	Whitehall
Whaley, William C.	Dem.	Broadwater	Bedford
Werner, J. A.	Rep.	Lewis and Clark	Helena
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Wilham, V. E.	Dem.	Jefferson	Clancy
Witmer, M. A.	Rep.	Lewis and Clark	Helena
Wood, James T.	Rep.	Meagher	White Sul. Springs
Woody, Frank	Dem.	Missoula	Missoula

One tie in Madison county.
One tie in Cascade county.

CHARLES Z. POND, Chief Clerk.

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GENERAL LAWS OF MONTANA

ENACTED BY THE

ELEVENTH LEGISLATIVE ASSEMBLY

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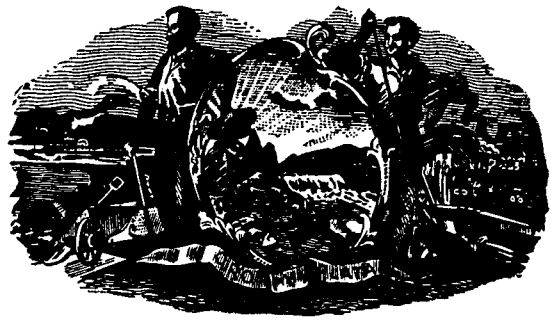

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SESSION LAWS.

CHAPTER 1.

"An Act to Approve, Legalize and Adopt the Division and Arrangement of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The division and arrangement into codes, parts, titles, chapters, articles and sections of the Revised Codes of Montana of the year 1907, as reported by the Code Commissioner, appointed under the authority of Chapter 85 of the Laws of the Tenth Legislative Assembly of the State of Montana, are hereby approved, confirmed, legalized and made effectual and valid, and it shall be sufficient reference to any law in said codes, inciting or amending the same, to give the number of the section and to add thereto the words "Revised Codes of 1907."

Legalizing arrangement and division of Codes of 1907.

References to.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved this 2d day of February 1909.

CHAPTER 2.

"An Act relative to Commission Merchants or persons selling agricultural or horticultural products, or farm produce, on commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person or persons doing business in this State as Commission Merchants, or who shall receive from any person of this State, agricultural or horticultural products or farm produce raised in this State to sell on commission, shall immediately, upon receipt of such goods, send to the

Commission Merchants.

consignor or consignors a statement in writing showing what property has been received.

To render statement showing amount of produce sold.

Section 2. Whenever any Commission Merchant or person receiving any property as mentioned in Section 1, of this Act, shall sell the same or twenty-five per centum thereof, such Commission Merchant or person shall immediately render a true statement to the consignor, showing what portion of such consignment has been sold, to whom sold and the price received therefor.

Misdemeanor. Penalty.

Section 3. Any person engaged in selling any property as herein specified, who fails or neglects to comply with any of the provisions of this Act, or who shall make a false report or statement of the matters herein required, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved February 4, 1909.

CHAPTER 3.

An Act to Amend Sections 4216 and 4218 of the Revised Codes of 1907 so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide its shares of stock into classes of different par values; to legalize the stock of co-operative associations heretofore issued in classes of different par values, and to regulate the exemption of such shares of stock from attachment or sale under execution.

Be it enacted by the Legislative Assembly of the State of Montana:

Code of 1907. Section 4216 amended.

Section 1. That Section 4216 of the revised codes of 1907 be and the same is hereby amended so as to read as follows:

Co-operative associations.

Section 4216. The share of stock shall not be less than ten dollars nor more than five thousand dollars per share, and may be made payable in installments, and every co-operative association may divide its shares of stock into

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classes of different par values and the owners thereof shall share in the profits of the association in proportion to the par value of their shares, provided, however, that the owners of the said shares in the different classes shall have the same power and vote in the association. Forfeiture of the stock for non-payment of installments may be provided for in the by-laws, and whenever a share of stock is forfeited such share shall become the property of the association, and may be re-issued to any person not already holding a share; but any proceeds received from such re-issue, over and above the amount due on said share, by the association, shall be paid to the delinquent shareholder. The stock heretofore issued in classes of different par values by any co-operative association is hereby legalized and made valid.

Classes of stock.

Par value.

Share in profits.

Voting.

Forfeiture of stock for non-payment.

Reissue of forfeited shares of stock.

Section 2. That Section 4218 of the Revised Codes of 1907 be and the same is hereby amended so as to read as follows:

Code of 1907. Section 4218 amended.

Section 4218. The share, not exceeding the par value of Five Hundred Dollars, of each member shall be exempt from seizure on attachment, or sale under execution, and upon his death shall be sold by the association, and the proceeds, after deducting all liabilities to the association, shall be delivered to his heirs.

Exemptions.

Proceeds of sale of shares of deceased members.

Section 3. All acts and parts of acts in conflict with this act are hereby repealed.

Section 4. This act shall take effect upon its passage and approval by the Governor.

Approved February 5th 1909.

CHAPTER 4.

"An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana relating to revenue and taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9 of Article XII of the Constitution of the State of Montana be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

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Constitution, Art. XII, Sec. 9. Proposed Amendment.

Section 2. That Section 9 of Article XII of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

Taxation.

"Section 9. The rate of taxation on real and personal property for state purposes, except as hereinafter provided, shall never exceed two and one-half mills on each dollar of valuation; and when ever the taxable property of the state shall amount to Six Hundred Million Dollars ($600,000,000.00) the rate shall never exceed two (2) mills on each dollar of valuation, unless the proposition to increase such rate, specifying the rate proposed and the time during which the rate shall be levied shall have been submitted to the people at the general election and shall have received a majority of all votes cast for and against it at such election; Provided, that in addition to the levy for state purposes above provided for, a special levy in addition may be made on live stock for the purpose of paying bounties on wild animals and for stock inspection, protection and indemnity purposes, as may be prescribed by law, and such special levy shall be made and levied annually in amount not exceeding four mills on the dollar by the State Board of Equalization, as may be provided by law.

Special Levy.

Bounty on Wild Animals.

Stock inspection.

Ballots.

Section 3. Separate official ballots shall be used at the general election to be held in November 1910, which shall have printed thereon the words:

"For the amendment the Constitution relating to revenue and taxation."

and the words:

"Against the amendment to the Constitution relating to revenue and taxation, and the elector shall designate his preference for either of the propositions by marking an "X" before the proposition desired."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 5th 1909.

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CHAPTER 5.

"An Act authorizing the appointment of a Stenographer for the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state treasurer be, and he is hereby, authorized and empowered to appoint a stenographer, at a salary of twelve hundred dollars per year, payable monthly.

Stenographer of State Treasurer.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 5th 1909.

CHAPTER 6.

"An Act to Amend Section 611 of the Revised Codes Relating to the use of Voting Machines in Counties and Cities."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 611 of the Revised Codes be, and the same is, hereby amended to read as follows:

Revised Codes of 1907. Sec. 611 amended.

Section 611. Voting Machines. The Boards of County Commissioners of counties of the first class shall and the Boards of County Commissioners of other counties and city councils of all cities and towns, may, at their option, adopt and purchase for use in the various precincts, any voting machine approved in the manner above set forth in this Act, by the voting machine commission and none other. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in a city, village or town, as many may be supplied as it is practicable to procure, and the same shall be used in such precinct of the municipality, as the proper officers may order. The proper officers of any city, village or town may, not later than the tenth day of September, in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine, and the notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

Voting Machines.

Who shall own and use.

Consolidation of precincts.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be of full force and effect from and after its passage and approval by the Governor.

Approved February 5th 1909.

CHAPTER 7.

"An Act to amend Section 8689 of the Revised Codes of Montana of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated."

Be it enacted by the Legislative Assembly of the State of Montana:

Code of 1907. Amending Sec. 8689.

"Section 1. That Section 8689 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows: Section 8689. Every person who, after mortgaging any personal property, except railroad locomotives, railroad engines, rolling stock of a railroad, steamboat machinery in actual use and vessels, removes or causes to be removed, or permits the removal of such mortgaged property from the county, where it was situated at the time it was mortgaged, without the written consent of the mortgagee, with the intent to deprive the mortgagee of his claim thereto and interest therein; and every person who, after mortgaging any personal property of any kind or character whatsoever, voluntarily sells or transfers any such mortgaged property without the written consent of the mortgagee, and with the intent to defraud such mortgagee of his claim thereto and interest therein, or with the intent to defraud the purchaser thereof, of any money or thing of value, is guilty of larceny."

Removal from the county of mortgaged personal property.

Selling or disposing of without consent of mortgagee.

Larceny.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11th 1909.

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CHAPTER 8.

An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana of 1907, concerning Farmers' Institutes.

Be it enacted by the Legislative Assembly of the State of Montana:

Code of 1907. Sec. 1306 amended.

Section 1. That Section 1306 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Board of Administration of Farmers' Institutes.

Section 1306. The Board of Administration of the Farmers' Institute, as provided for in this Act, shall consist as follows; The Governor of the State, the president of the Montana Agricultural College and the Director of the Montana Experimental Station, all of whom shall be exofficio members. Members of such Board of Administration shall be designated the "Directors of the Montana Farmers' Institute," and shall be authorized to hold Institutes for the instruction of the citizens of this State in the various branches of agriculture, and shall prescribe such rules and regulations as they may deem best for organizing and conducting the same. Such Institutes shall be held at least once in each County in each year and at such times and places as the directors may designate; provided the requirements of the Board of Administration have been complied with, such as County Institutes or local organizations providing a suitable hall, lighting and heating the same, and bearing necessary advertising expense. The directors may employ an agent or agents to perform such work in organizing or conducting said Institutes as they may deem best. A Course of instruction at such Institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Designation.

Rules and regulations.

Institutes to be held each year in each county.

County institute to provide meeting place.

Course of instruction.

Revised Code of 1907. Sec. 1307 repealed.

Section 2. That Section 1307 of the Revised Codes of Montana of 1907 is hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 11th 1909.

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CHAPTER 9.

"An Act to Amend Section 1413 of the Revised Codes of Montana, 1907, Relating to the Construction and Repair of Bridges."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Sec. 1413 Amended

Section 1. That Section 1413 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

Bridges costing more than $400.

Section 1413. No bridge, the cost of construction or repairs of which exceeds the sum of Four Hundred Dollars, must be constructed or repaired except on the order of the Board of County Commissioners; and when ordered to be constructed or repaired it shall be done by contract. Before any contract shall be let as provided herein the Board of County Commissioners shall advertise for bids therefor at least once a week for two successive weeks in a newspaper of general circulation in the county, and a contract shall then be awarded to the lowest responsible bidder. The successful bidder shall, before entering into the performance of the work, execute and deliver to the Board of County Commissioners, and undertaking, with at least two or more sureties, to be approved by the Board, in a sum not less than one-half the amount for which the contract is awarded, provided, however, that no such undertaking shall be for a less sum than Five Hundred Dollars.

Contract for construction and repair.

Advertising for bids.

Contractor's Bond.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 12th 1909.

CHAPTER 10.

"An Act Amending Section 8339, Part 1, Title IX, Chapter 1, Penal Code of the Revised Codes of Montana, 1907, Relating to the Punishment Provided for the Crime of Rape."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8339, Part 1, Title IX, Chapter 1,

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Penal Code of the Revised Codes of Montana, 1907, relating to the punishment for the commission of the crime of rape, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Sec. 8339 amended.

Section 8339. Rape is punishable by imprisonment in the state prison not less than two nor more than ninety-nine years.

Rape. Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 12th 1909.

CHAPTER 11.

"An Act to Declare the Twelfth Day of February in each Year to be a Legal Holiday, to be known and Designated as "Lincoln's Birthday."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the twelfth day of February in each year is hereby set apart and declared to be a legal holiday, to be known and designated as Lincoln's Birthday.

Lincoln's birthday. Legal holiday.

Section 2. Thic act shall be in full force and effect from and after its passage and approval.

Approved February 13th 1909.

CHAPTER 12.

"An Act to Provide that the State Auditor shall also be Designated as Commissioner of Insurance, Ex-officio, and to Provide for the Appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and to Fix his Salary and to Provide for the Employment of an Actuary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Auditor, in addition to his present title, shall be hereafter designated as Commissioner of Insurance, Ex-officio. He shall appoint a Deputy in addition to the Deputy State Auditor provided for in Section 143, Revised Codes of Montana of 1907, who shall have same authority and powers granted by said section, and, in addition there-

Commissioner of Insurance.

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Deputy Commissioner of Insurance.

to, be known as Deputy Commissioner of Insurance, and shall be in charge of the Department of Insurance in the said Auditor's office under the direction and control of said State Auditor and Commissioner of Insurance, Ex-officio, provided, that nothing herein contained shall be construed to authorize an increase of the number of employees in said office, and the office of Insurance Clerk is hereby abolished.

Insurance clerk abolished.

Salary.

Section 2. Said Deputy authorized by this Act shall receive a salary of Twenty-one Hundred ($2100.00) Dollars per annum.

Actuary may be employed when. Qualification.

Section 3. The State Auditor and Commissioner of Insurance, Ex-officio, may employ an Actuary when required, who shall be experienced and skilled in insurance matters and fully competent to perform any actuarial duties of the Insurance Department, and to assist in or take charge of the examination of insurance companies under the general direction of the Commissioner or his Deputy.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13th 1909.

CHAPTER 13.

An Act to Provide for an Examination by the Commissioner of Insurance of all Insurance Companies, including Surety Companies, Organized under the Laws of this State or Organized under the Laws of any other State, or Territory, or Foreign Country, and to Provide for the Payment of Expenses incurred in Making such Examinations, and to Provide for Publishing the Result of such Examinations, and Relating to the Revocation of Licenses, and to Provide Penalties for the Violation of the Provisions of this Act, and to Repeal Sections, 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Commissioner of Insurance shall exam-

ine and inquire into violations of insurance laws of this state, and for this purpose, or to see if the laws are obeyed, or to examine the financial condition, affairs and management of any insurance company, including surety companies, organized under the laws of this state, or any other state, or Territory, or foreign country, he may visit, or cause to be visited by any competent person or persons he may appoint, the head office in this state, or in the United States of any domestic or foreign insurance company applying for admission to, or already admitted to do business in this state, and may for these purposes examine or investigate any company organized under the laws of Montana, and any agency of any company doing business in this state. The cost of such examinations shall be paid by the company examined, and shall include the reasonable expenses of the Commissioner, his deputies and assistants employed therein, whose services are paid for by the Insurance Department, and the compensation and reasonable expenses of his assistants employed therein whose services are not paid for by the Department. Duplicate receipts showing the entire cost of the examination authorized by the Commissioner of Insurance shall be taken and certified to by the company examined, and shall be filed in and become a part of the public records of the Insurance Department. When Insurance companies not admitted to do business in this state, or companies adjudged insolvent, or companies for any cause with-drawing from the state, neglect, fail or refuse to pay the charges for examination as approved by the Commissioner of Insurance, such charges shall be paid out of the expense account of the Commissioner of Insurance in the same manner as other expenses of said office, or from any other such fund created to cover the expenses of the Insurance Department upon such approval, and the amount so paid shall be a first lien upon all the assets and property of such company, and may be recovered by suit by the Attorney General on behalf of the State of Montana, and restored to the said expense account, or other proper fund. The Commissioner may also examine companies on the request of five or more of the policy holders, representing at least $100,000.00 insurance in force, who shall

Examination of affairs of insurance and surety companies and violations of laws.

Visiting head offices of companies.

Cost of examination.

Duplicate receipts for costs of examination.

Payment of costs of examination when not paid by examined company.

Lien for costs not paid, and suit to recover.

Examination upon petition of policy holders.

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make affidavit of their belief, with specifications of their reasons therefor in writing, that such company is in an unsound or insolvent condition; provided, that only the United States branches of companies incorporated in foreign countries shall be examined by said Commissioner. For the purposes of the examinations, inquiries or investigations as aforesaid, the Commissioner of Insurance or his Deputy, or the person authorized to make them, shall have free excess to all books and papers of an insurance company that relate to its business, and the books and papers kept by any officer, agent or employee relating to, or upon which any record of its business is kept, and may summon witnesses and administer oaths or affirmations, in the examination of the directors, trustees, officers, agents or employees of any such company, and any other person in relation to its affairs, transactions, and conditions. He may require and compel the production of records, books, papers, contracts or other documents by attachment, if necessary. Any person knowingly or wilfully testifying falsely in reference to any matter material to said investigation, examination or inquiry, shall be deemed guilty of perjury, and punished accordingly, and any person who shall wilfully refuse or fail to attend, answer or produce books or papers, or who shall refuse to give said Commissioner of Insurance, or the person authorized by him, full and truthful information and answer in writing to any inquiry or question made in writing by said Commissioner, or the person authorized by him, in regard to the business of insurance, or suretyship, carried on by such person, or other matters under investigation, or refuse or wilfully fail to appear and testify under oath before the Commissioner of Insurance or the person authorized by him, shall be deemed guilty of a misdemeanor. Any director, trustee, officer, agent or employee of an insurance company, or any other person, who shall knowingly or wilfully make any false certificate, entry or memorandum upon any of the books or papers of any insurance company, or upon any statement filed or offered to be filed in the Insurance Department of this state, or used in the course of any examination, inquiry or investigation with the intent to deceive the Commissioner of Insurance or any person employed

Only U. S. branches of foreign companies to be examined.

Access to books and papers.

May summon witnesses.

Compelling production of records, books, papers and contracts.

Perjury.

Persons refusing to appear and testify or produce books or give information guilty of misdemeanor.

Making false certificates, entries or memorandum guilty of a misdemeanor.

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or appointed by him to make such examination, inquiry or investigation, shall be deemed guilty of a misdemeanor.

Publication of examinations, etc.

Section 2. When the Commissioner of Insurance deems it to the interest of the public, he may publish the result of any examination or investigation in a newspaper of general circulation published at the state capitol. If the Commissioner finds upon examination, hearing or other evidence, that any insurance company, including surety companies, organized in this state or in any other state, territory or foreign country, is in an unsound condition, or has failed to comply with the law or with the provisions of its charter, or that its condition is, or its methods are, such as to render its operations hazardous to the public or to its policy holders, or that its actual assets, exclusive of its capital, are less than its liabilities, or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto, or refuse on behalf of the company to pay the examination charges, he shall suspend or revoke all certificates of authority granted to said insurance company, and to its officers or agents, and shall cause notice thereof to be published in one or more daily newspapers of general circulation published at the state capitol, and no new business shall thereafter be done by it or its agents in this state while such default or disability continues, nor until its authority to do business is restored. Before suspending or revoking the certificate of authority of any such Company, the Commissioner shall unless it is insolvent or its capital impaired, grant it fifteen days in which to show cause why such action should not be taken. Any insurance company, including surety companies, organized under the laws of this state or any other state, territory or foreign country, whose certificate of authority has been suspended or revoked by the Commissioner, may, within fifteen days thereafter, appeal from said order to the District Court, which court, upon the filing of the proper petition, shall cause the record and orders of the Commissioner to be brought before it, and upon a hearing of the case by the Court de novo, the Court shall either confirm or revoke the order of the Commissioner, as the law and the fact of the case may warrant.

May suspend or revoke certificates of authority to do business, when.

Publishing notice of suspension or revocation of authority to do business.

Notice to show cause.

Appeals to District Court.

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The designation "commissioner" and "deputy commissioner" in other laws of this State.

Section 3. The word "Commissioner" and the word "Deputy Commissioner," as used in this Act, shall designate the State Auditor and Insurance Commissioner, Ex-Officio, and the Deputy Commissioner of Insurance, respectively, whereever in the laws of Montana which are not repealed by this Act other titles are used to designate the chief officers and the second officer of the Insurance Department, such titles shall be understood as meaning the Commissioner of Insurance and the Deputy Commissioner of Insurance, as hereinbefore specified.

Revised Codes of 1907. Sections 4065, 4068, 4071, 4128 and 4129 repealed.

Section 4. All Acts and parts of Acts in conflict with this Act, and particularly Sections 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907, are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13th 1909.

CHAPTER 14.

"An Act to Amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907 relating to Licenses of Insurance Companies and Agents."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 4019 amended.

Section 1. Section 4019, Revised Codes of Montana of 1907 is hereby amended to read as follows:

Licenses of insurance companies expire March 31st each year.

Section 4019. All licenses issued under this Act shall expire on the 31st day of March of each year.

Section 4023 amended.

Section 2. Section 4023, Revised Codes of Montana of 1907, is hereby amended to read as follows:

Licenses to transact insurance business shall be procurred when and by whom.

Section 4023. Before transacting any fire, life or other indemnity or insurance business, each and every agent, firm or corporation acting as agent, solicitor or representative of such corporations or associations, shall procure annually from the State Auditor a certificate of authority or license as an agent, solicitor or representative of each corporation or association represented by him or them, and which certificate shall terminate or expire on the 31st (thirty-first) day of March of each year unless sooner revoked or terminated as

Licenses expire March 31st each year.

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otherwise provided, for which a fee of Five Dollars for each certificate shall be paid to the State Auditor, provided, that the State Auditor is hereby prohibited from issuing a certificate of authority to write policies of insurance or to solicit and obtain and transact insurance business, as defined in this Act, to any person, agent, firm or corporation, unless such person, agent, firm or corporation is a legal resident of the State of Montana at the time such certificate of authority is issued. Any person or persons who shall in any way violate the provisions of this section shall upon conviction be fined not less than Fifty Dollars nor more than One Hundred Dollars or imprisoned in the county jail for not less than thirty days nor more than ninety days, or both such fine and imprisonment at the discretion of the court. Certificates of authority or licenses issued under this section shall be considered the licenses of the company, corporation, association or society applying for the same, and may at all times be transferred from the agent, firm or corporation for which the license was originally issued to another agent, firm or corporation on the surrender of the said license to the State Auditor, who will make the proper endorsement thereon.

Fee for licenses.

To whom license may be issued.

Penalty for violating this act.

Certificates the property of insurance company.

How transferred.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 13th 1909.

CHAPTER 15.

An Act Prohibiting Rebating and Discrimination by Life Insurance Companies and Providing Penalties Therefor, and Prohibiting the Issuance of Special or Advisory Board Contracts and Prohibiting Certain Other Practices, and Providing Penalties Therefor, and Repealing Sections 4141, 4142 and 4143 of the Revised Codes of the State of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No life insurance company doing business in this state shall make or permit any distinction or discrimi-

Rebating by life insurance companies forbidden.

nation in favor of individuals betweeen insurants (the insured) of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes. Nor shall any such company, or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give or offer to pay, allow or give, directly or indirectly, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever not specified in the policy contract of insurance; nor give, sell or purchase or offer to give, sell or purchase, as inducement to insurance or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon, or anything of value whatever, not specified in the policy.

No agreement except as expressed in the policy to be made.

Every officer or agent of an insurance company doing business in this state, who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor.

Violation of the provisions of this act a misdemeanor.

It shall be the duty of the commissioner of Insurance upon being satisfied that any such insurance company, or any agent thereof, has violated any of the provisions of this section, to revoke the certificate of authority of the company or agent so offending.

Commissioner shall revoke license for violation of this act.

Section 2. From and after the date this Act takes effect no life insurance company shall issue in this state, nor permit its agents, officers or employees to issue in this state, agency company stock or other stock or securities, or any special or advisory board or other contract of any kind promising returns and profits as an inducement to insurance; and on and after July 1st, 1909, no life insurance company shall be authorized to do business in this state, which issues or

No agency company stock or securities to be issued, or return of profits offered as inducement of insurance.

Company offering certain inducements to insure, not to be licensed.

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permits its agents, officers or employees to issue in the state of Montana, or in other state or territory, agency company stock or other stock or securities, or any special or advisory board or other contract of any kind promising returns and profits as an inducement to insurance, and no corporation or stock company, acting as agent of a life insurance company, nor any of its agents, officers or employees, shall be permitted to agree, sell, offer to sell or give, or offer to give, directly or indirectly, in any manner whatsoever, any share of stock, securities, bonds or agreement of any form or nature, promising returns and profits as an inducement to insurance, or in connection therewith; Provided, that nothing herein contained shall impair or effect in any manner any such contracts issued or made as an inducement to insurance prior to the enactment hereof, or prevent the payment of the dividends or returns therein stipulated to be paid. It shall be the duty of the Commissioner upon being satisfied that any such insurance company, or any agent thereof, has violated any of the provisions of this section, to revoke the certificate of authority of the company or agent so offending.

No agent or officers of life insurance companies shall agree, sell or offer certain inducements to insure.

Shall not effect past contracts.

Duty of Commissioner.

Section 3. All Acts and parts of Acts in conflict with this Act, particularly Section 4141 4142 and 4143 of the Revised Codes of the state of Montana of 1907, are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13th, 1909.

CHAPTER 16.

"An Act to amend Section 2332, of Part III, Title X, Chapter I, of the Political Code, relating to the election of directors in irrigation districts."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2332, of Part III, Title X, Chapter I, of the Political Code, be amended to read as follows:

Revised Codes of 1907. Section 2332 amended.

Section 2332. The regular election of Commissioners in each district shall be held annually on the first Saturday in April of each year, at which three Commissioners, one for each division of the district, shall be chosen by the electors

Election of Commissioners of irrigation districts.

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of the entire district. On the second Saturday in April next following their election the commissioners shall meet and organize as a board by electing a president from their number, and a secretary, who may or may not be a commissioner, and who shall each hold office during the pleasure of the board.

Shall organize and elect president and secretary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved February 16th, 1909.

CHAPTER 17.

An Act to amend section 51 of the Revised Codes of Montana concerning the term of office of senators and representatives.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 51 amended.

Section 1. That Section 51 of the Revised Codes of Montana be amended so as to read as follows:

Fixing terms of state senators and representatives.

Section 51. The term of office of a senator is four years, and of a representative two years; and the term of service thereof shall begin on the first Monday of January next succeeding his election, and if a senator or representative be elected to fill a vacancy, his term of service shall begin on the next day after his election.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Section 3. That this act shall take effect and be in force from and after its passage and approval.

Approved February 16th 1909.

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CHAPTER 18.

"An Act requiring any person, Railway Corporation or Company operating a line of Railway in the State of Montana to equip its locomotive engines with electric headlights of not less than 1500 candle power without the aid of a reflector, or other headlights of not less than 1500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of any person, corporation or company operating any railroad or railway in this state, within one year after the passage of this act, to equip all locomotive engines used in the transportation of trains over said railroad or railway with electric headlights of not less than fifteen-hundred (1500) candle power measured without the aid of a reflector, or other headlights of not less than fifteen hundred (1500) candle power measured without the aid of a reflector. Provided, that this act shall not apply to locomotive engines regularly used in the switching of trains. **Headlights.** **Candle power.** **Switch engines.**

Section 2. Any person, corporation or company operating any railroad or railway in this State violating the provisions of Section 1. of this act shall be deemed guilty of a misdeamor and, upon conviction thereof, shall be fined not less than one hundred ($100.00) dollars nor more than one thousand ($1000.00) dollars for each offense. **Misdemeanor.** **Penalty.**

Section 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 16th 1909.

CHAPTER 19.

An Act Authorizing the State Auditor to Issue Duplicate Warrants where the Original Warrant Has Been Lost or Destroyed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Auditor is hereby empowered and authorized to issue a duplicate warrant whenever any warrant drawn by him upon the Treasurer of the State of Montana shall have been lost or destroyed. This duplicate **State Auditor to issue duplicate warrants, when.**

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How marked.

warrant must be in the same form as the original, except that it must have plainly printed across its face the word "duplicate," and no such warrant shall be issued or delivered by the State Auditor except the person entitled to receive the same shall deposit with the State Auditor a bond in double the amount for which the duplicate warrant is issued, conditioned to save the State of Montana, and its officers, harmless on account of the issuance of said duplicate warrant.

Bond to be given.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 16th 1909.

CHAPTER 20.

An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same.

Be it enacted by the Legislative Assembly of the State of Montana:

Reporting, registering or recording bets on contest of speed of animals or beasts forbidden.

Section 1. It shall be unlawful to report or record or register any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, whether such contest is held within or without the State of Montana, unless said contest is held within an enclosed race track or fair grounds, and said bet or wager is made and all acts done in registering, reporting and recording said bet or wager are done within the enclosure of the race track or fair grounds where such contest is held, and upon the same day such contest is held.

Except within enclosure of race tracks or fair grounds.

Limited to fourteen days within race tracks or fair ground enclosed.

Section 2. Whenever, during fourteen days, whether consecutive or not, in any calendar year, there have been bets or wagers reported or recorded or registered upon the result of any contest of speed or skill or endurance of animal or

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beast upon any enclosed race track or fair grounds, it shall thereafter be unlawful during such calendar year to report or record or register any wager or bet upon the result of any contest of speed or skill or endurance of animal or beast held within such enclosure.

Persons aiding or abetting violation of this act deemed principals.

Section 3. Any person who aids or abets in the commission of any of the acts made unlawful in section 1 and 2 hereof, either by transmitting or communicating or transferring money or other thing of value, or information for the purpose of having bets or wagers reported or recorded or registered, shall be deemed a principal in the commission of such offense.

Misdemeanor. Penalty.

Section 4. Every person or persons violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars or more than One Thousand Dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect from and after its passage and approval by the Governor.

Approved February 16th, 1909.

CHAPTER 21.

"An Act to amend Section 1815, of the Revised Codes of Montana of 1907, Relating to the Record of Horses and other Livestock sold at Public Markets."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1815 amended.

Section 1. That Section 1815, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Keepers of markets for sale of livestock shall keep record books.

Section 1815. That, hereafter, any person, firm, corporation or association of individuals desiring to establish, maintain or conduct a market for the sale of horses or other livestock at public auction, or otherwise, shall keep a full and complete record book in which must be recorded the name or names of any person, corporation or association of individuals bring-

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Records of descriptions and brands.

Additional records.

Records open for inspection by the public.

ing to the said market, or offering for sale at such market, any horses or other livestock, together with a description thereof as to their kind, and of all brands of every kind thereon. And if requested by the sheriff of the county or a stock inspector, in case question arises respecting the ownership, particular description shall be recorded showing, in addition to all the brands, the color and sex of such animals; and, in addition, such record shall clearly show the name of the person for whom such animal or animals were sold, the date of the sale, and the person to whom such animal or animals were sold, and the particular character of the animal or animals. Such record book must be open for inspection by the public for persons interested at any and all reasonable times.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16th, 1909.

CHAPTER 22.

"An Act to Declare and Make the 12th day of October of Each and Every Year a Public Holiday to be known as "Columbus Day."

Be it enacted by the Legislative Assembly of the State of Montana:

"Columbus Day." Twelfth day of October a public holiday.

Section 1. The 12th day of October of each and every year is hereby made and declared a public holiday to be known as "Columbus Day," and shall be recognized, classed and treated as other legal holidays under the laws of this State.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 17th 1909.

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CHAPTER 23.

An Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, Relating to the Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1287 amended.

Section 1. That Section 1287 be amended so as to read as follows:

Soldiers' Home.

Section 1287. The Board of Managers of the Soldiers' Home shall hold three regular meetings each year, to-wit: on the second Tuesday of March, July and November in each year; and they may have special meetings on the call of the President and one other member of the Board for the transaction of such business as may be stated in the call. Three members of the Board shall constitute a quorum for the transaction of business.

Meetings of Board of Managers.

Quorum.

Revised Codes of 1907. Section 1288 amended.

Section 2. That Section 1288 of the Revised Codes of Montana be amended so as to read as follows:

Commandant, appointment and qualifications.

Section 1288. That the Board of Managers shall appoint a commandant of the Home, who shall be a resident of the State, and shall have served in the army or navy of the United States during the late war of the rebellion, and shall have received an honorable discharge therefrom. They shall formulate and publish all necessary rules and regulations for the government of the Home and its inmates, beneficiaries, officers and employes, and shall provide penalties and forfeitures for violation of said rules and regulations, to be reasonably and impartially enforced by the Commandant of the Home, subject to appeal to the Board of Managers. All subordinate officers, such as may be provided for by the rules and regulations of the Home, shall preferably be selected from residents of the State who served in the army or navy of the United States during the war of the rebellion, and received honorable discharge therefrom. The salaries of the commandant and all subordinate officials shall be fixed by said Board of Managers; Provided, that the salary of the Commandant shall not exceed one hundred and twenty five dollars per month, and for such other employes as may be necessary the amounts so paid shall not exceed such reasonable compensation as is paid for like services in similar institutions. Any such subordinate official or employee may be suspended by such com-

Rules.

Penalties.

Subordinate officers.

Salaries.

Suspension of subordinate officers.

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mandant for inefficiency or misconduct, but in case of suspension of such official or employe, a statement of the case shall be reported by the commandant to the said Board, who shall upon application offer such official or employe a hearing; the action of the Board thereon shall be final.

Revised Codes of 1907. Section 1895 amended.

Section 3. That Section 1295 of the Revised Codes of Montana be amended so as to read as follows:

Compensation of Board of Managers.

Section 1295. Said Board of Managers shall receive as compensation for their services the sum of five dollars per day and their actual travelling expenses incurred while attending the meetings or in attending to the transaction of any business by and under the direction of the said Board of Managers.

Section 4. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. That this Act shall be in force from and after its passage and approval.

Approved February 17th 1909.

CHAPTER 24.

"An Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 480 amended.

Section 1. That Section Four Hundred and Eighty of the Revised Codes of the State of Montana for 1907 is hereby amended to read as follows:

Registration.

Section 480. Questions to be put to elector and cancellation of registration. When any person appears and demands to be registered, whom the registry agent does not know to be entitled to register under the qualifications required by law, for the election then ensuing, the registry agent must question the applicant generally under oath as to his qualifications as an elector and if satisfied must enter his name in the reigstry, but if the registry agent is not fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the registry agent must require the applicant to answer truly,

Challenge.

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under oath or affirmation, the following questions together with such other questions as such registry agent may consider necessary or proper, testing his qualifications as an elector for the ensuing election, to-wit:

Questions to be put.

1. Are you a citizen of the United States?
2. Are you now, or will you be twenty-one years of age prior to the day of the next ensuing election?
3. On the day of the next ensuing election, will you have resided in Montana one year, and in this county thirty days next preceding the day of said election?
4. Are you now a resident of the registration district in which you propose to be registered?
5. Are you registered for this electoral year in any other registration district in the name you have now given, or in any other name?

If any of the forgoing questions are answered in the negative except the fifth, or that in the affirmative the applicant must not be registered, but if the applicant answers all the foregoing questions in the affirmative except the fifth and that in the negative and if the answers to other questions propounded do not show him to be disqualified, the applicant must be registered.

Resident defined.

A resident within the meaning of this Chapter, must be construed to mean a person who has resided or will have resided continuously within Montana for one year and in the County thirty days on the day next preceding the day of the next ensuing election.

When registration good for eight years.

Whenever a person is registered under the provisions of this Chapter such registration is good for eight years, except as otherwise provided in Section 476 (1206). A change of residence from a district or county will require a new registration; Provided that if any person who has been registered in any year shall exchange his residence before the period of registration closes he may notify the registry agent with whom he registered of such change and request him to cancel such registration; and he shall obtain from such registry agent a certificate under the hand of such registry agent and the seal of the district, that such registration has been cancelled, giving the date thereof; any person except in dis-

Change of residence.

Cancellation of registration and new registration.

tricts containing incorporated towns or citites of more than one thousand electors, and except in the year of general registration, provided in Section 474 (1206) of this Chapter, so changing his residence between the period of registration may give like notice and obtain a like certificate of cancellation and such certificate, if so obtained, must be presented and surrendered to any other registry agent where such person offers to register before he will be entitled to register again; Provided that if such person so changing his residence before the period of registration closes or between the period of registration shall not have given notice and obtained a certificate of cancellation as above provided, it shall be the duty of the registry agent of the registration district wherein such person offers to register upon receiving an application from such person in the following form to transmit such application to the registry agent of the registration district wherein such person is then registered and upon receipt of such application by the last mentioned registry agent he shall thereupon immediately mark "Cancelled" and the date of such application opposite the name of such person and make out and send to the registry agent of the district wherein such person offers to register a certificate under the hand of such registry agent and the seal of the district that such registration has been cancelled, giving the date thereof; upon such application being made to the registry agent in such district wherein such person offers to register, his resignation in any other district within the state shall be deemed cancelled and such person shall thereupon be entitled to register in the district wherein such application is made upon his taking and subscribing the oath provided in Section 479 of this code. Notice of change of residence may be given in person or by letter except as above provided and if given by letter the signature shall be witnessed by two persons freeholders and electors of the state.

Certificate of cancellation.

Notice of change of registration.

Form of Application.

Form of application.

————————, being duly sworn says that he is a male citizen of the United States of the age of twenty-one years and will have been a resident of Montana one year and of this county thirty days, on the day next preceding the day of the

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next election, that his name now appears upon the registration list for ———— precinct of election district No. ——— of the County of ————, Montana, that he desires to be registered in this ———— precinct of election district No. ———— of the County of ————, Montana.

Signed ————(Seal)

Subscribed and sworn to before me this ———— day of ————.

Signed ————

Registry Agent of Election District No. ————County, Montana.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved February 18, 1909.

CHAPTER 25.

An Act to amend Section 4062, Revised Codes of the State of Montana, of 1907, Relating to the Manner in which Insurance Companies, Associations or Partnerships May Transact Business in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 4062 amended.

Section 1. Section 4062, Revised Codes of the State of Montana of 1907, is hereby amended to read as follows:

Foreign insurance companies.

Section 4062. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this Chapter, incorporated by, or organized under the laws of any other state, or the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this state, unless possessed of two hundred thousand dollars of actual paid up capital, exclusive of any assets of any such company as shall be deposited in any other states or territories, or foreign countries, for the special benefit or security of the insured therein; any such company desiring to transact any such business as aforesaid, by any agent or agents in this state, shall appoint one attorney in fact in each county in which agencies are established, resident of such county, and shall file with the State Auditor a written

Required capital to do business in state.

Must appoint one attorney-in-fact in each county in state.

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To file with Auditor authority to acknowledge service of process.

instrument, duly signed and sealed, authorizing such attorney in fact of such company to acknowledge service of process, for and in behalf of such company in the state consenting that such service of process, mesne or final, upon such attorney shall be taken and held as valid as if served upon the company to the laws of this state, or any other territory or state, and waiving all claim of right or error by reason of such acknowledgement or service, and also that in case of death, absence, or if for any other cause, service of process cannot be made upon the attorney so appointed, service of process may be made on the State Auditor and Insurance Commissioner ex-Officio of this state, or his successors in office, with the same power and effect as that served upon such agent; and such power of attorney cannot be revoked or modified (except that a new one may be substituted) so long as any policy or liability remains outstanding against said company in this state. Whenever such lawful process against any insurance company shall be served upon the Commissioner he shall forthwith forward a copy of the process served on him by mail, post paid, and directed to the secretary of the company, or in case of companies of foreign countries, to the resident manager in this country; and shall also forward a copy thereof to the general agent of said company in this state.

In case of death of attorney process may be served on Auditor.

Duty of commissioner to notify company.

Must file certified copies of charter, etc.

What statement must contain.

Said company shall also file a certified copy of their Charter or deed of settlement, together with a statement under the oath of the president or vice president, or other chief officer, and the secretary of the company for which they may act, stating the name of the company and the place, where located, the amount of its capital with a detailed statement of the facts and items, as required from companies organized under the laws of this state as per section 3920 (583) hereof; such statement shall also show to the full satisfaction of the State Auditor and Insurance Commissioner ex-officio that said company, if organized without the United States of America, has deposited in some one of the United States or territories, a sum not less than one hundred thousand dollars for the special benefit or security of the assured therein, and shall file also a copy of the last annual report made under any

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law of the state, territory or foreign country by which said company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the liabilities, as stated in section 3920 (583) of this Chapter, to the extent of twenty per cent thereof while such deficiency shall continue; Provided, that no plate glass, health, accident, live stock, steam boiler, credit or other liability insurance company shall be permitted to do any business in this state unless possessed of an actual paid up cash capital of not less than one hundred thousand dollars.

Copies of annual reports.

Plate glass, health, accident, livestock and steam boiler, credit and other insurance companies.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1909.

CHAPTER 26.

An Act to detach Teton County from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two Judges in the said Eighth Judicial District.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Teton County is hereby detached from the Eleventh Judicial District and added to the Eighth Judicial District and from and after the date and passage of this Act the Eighth Judicial District of the State of Montana shall be composed of the Counties of Cascade and Teton.

Teton county attached to Eighth Judicial District.

Section 2. From and after the passage and approval of this Act there shall be two Judges in the Eighth Judicial District.

Two judges.

Section 3. That the Governor of this State shall duly appoint some fit and qualified person as additional Judge of the Eighth Judicial District to hold his office until the first Monday of January in the year 1911, or until his successor shall be duly elected and qualified.

Governor to appoint judge.

Term of office.

Section 4. That one of the Judges of said Eighth Judicial District shall maintain Chambers at Choteau, the county

To maintain chambers at Choteau and Great Falls.

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seat of Teton County and also at Great Falls, the County Seat of Cascade County, in said District, it being expressly provided, however, that said Judge shall be at and maintain Chambers in each of said counties at least once in each calendar month of each year.

Compensation, powers and duties.

Section 5. The Compensation, powers and duties of the said Judge, in said Eighth Judicial District, in this Act created, shall be the same as are provided by law and the Constitution of the State for the District Judges, save and except as otherwise provided in this Act.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 22, 1909.

CHAPTER 27.

An Act to provide for teaching in the Public Schools the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases.

Be it enacted by the Legislative Assembly of the State of Montana:

Dangerous communicable diseases.

Section 1. That there shall be taught in every year in every Public School in Montana the principal modes by which each of the dangerous communicable diseases are spread, and the methods for the restriction and prevention of each such disease as small pox, diptheria, scarlet fever, measles, tuberculosis, chicken pox and such other diseases as may be named, and attention called to same by the Board of Health of this state.

Mode of prevention to be taught in public schools.

Duties of board of health regarding.

Section 2. That said Board shall annually send to public school superintendents and teachers throughout the state printed data and statements which will enable them to comply with this Act.

Duties of school boards.

Section 3. That school boards are hereby required to direct superintendents and teachers to give oral and black board instruction using the data and statements supplied by the State of Health.

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Section 4. That neglect or refusal on the part of any superintendent or teacher to comply with the provisions of this Act shall be considered a sufficient cause for dismissal from the school by the School board.

Superintendent and teachers. Dismissal for neglect to comply with act.

Section 5. That the member of any school board who shall wilfully neglect or refuse to comply with any provision of this Act shall be deemed guilty of a misdemeanor and shall be subject to punishment by fine not exceeding One Hundred Dollars.

School board refusing to comply with act guilty of misdemeanor.

Section 6. That this Act shall apply to all public schools in this state including schools in cities or villages whether incorporated under special charter or under the general law.

All public schools included.

Approved February 25, 1909.

CHAPTER 28.

An Act to Amend Section 904 of the Revised Codes of Montana of 1907 Relating to Construction of Teacher's Contract with respect to Legal Holidays.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 904 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 904 amended.

Section 904. In every Contract between any teacher and Board of Trustees, a school month shall be construed as twenty school days, or four weeks of five days each and no Teacher shall be required to teach school on Christmas Day, the First Day of January, the Fourth Day of July, the Twenty-second day of February, the Thirtieth day of May, the First Monday in September, the Twelfth day of February and the Day appointed by the President of the United States or the Governor of this State as a day of Thanksgiving. And no deduction from the Teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this Section. Any contract made in violation of this Section shall have no force or effect as against the Teacher.

School teachers. School month.

Legal holidays.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1909.

CHAPTER 29.

"An Act to Amend Section 2054 and 2055, of the Revised Codes of Montana of 1907, Relating to the Letting of Contracts by the County Commissioners for the Care, Support, and Maintenance of the County Poor."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 2054 amended.

Section 1. That Section 2054, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended to read as follows:

County Commissioners, when must advertise for letting contracts for care of county poor.

Section 2054. The Board must, at its regular session in September, 1909, and at each regular September session thereafter immediately preceding the expiration of any contract previously made for the care, support and maintenance of the county poor, make an order directing the clerk of the board to publish a notice in a newspaper in riting sealed proposals for the care, support and maintenance of the indigent sick, poor and infirm of the county, per capita, by the week, for a period of not less than one nor more than two years, said proposals to include the entire cost of feeding, clothing and nursing of the indigent sick, poor and infirm, and the burial expenses. The notice must be published in a newspaper printed in the county for four successive weeks, at least once a week.

Notice.

Revised Codes of 1907. Section 2055 amended.

Section 2. That Section 2055, of the Revised Code of Montana of 1907, be, and the same is, hereby amended to read as follows:

Proposals must be addressed to clerk of board.

Contract to be let to the lowest responsible bidder.

Section 2055. The proposals must be addressed to the clerk of the board, and the board must, at its regular December session immediately following the publication of the notice provided for in the next preceding section, award the contract for the care, support and maintenance of the indigent sick, poor and infirm of the county to the lowest responsible bidder for a period of not exceeding three years.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1909.

CHAPTER 30.

"An Act to Amend Section 1305 of the Revised Codes of Montana, 1907, Relating to the salary of the Chaplain of the Soldiers' Home."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1305 of the Revised Codes of Montana, 1907, be amended to read as follows: Revised Codes of 1907. Section 1305 amended.

Section 1305 Chaplain—The Board of Managers shall select and appoint a Chaplain for the Soldiers' Home, who must be a regular ordained Minister of the Gospel and who shall hold divine services at the Soldiers' Home at least twice a month, and who shall also conduct the burial services upon the death of any of the inmates of the Home. He shall receive as compensation for such services the salary of not less than Ten ($10.00) Dollars per month nor more than Fifteen ($15.00) Dollars per month, to be determined by the Board of Managers, which salary shall be paid out of the general appropriation fund for the maintenance of such Home. Chaplain of Soldiers' Home. Duties. Salary.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 25, 1909.

CHAPTER 31.

"An Act to Provide for Fire Drills in the Schools of the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in all schools of the state, either public or private, in which thirty or more children are enrolled, it shall be the duty of the teacher or teachers therein employed to instruct the children under their immediate control and charge once each week, during school terms, in a fire drill, as herein after provided. Fire drill in schools.

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Fire Alarm.

Section 2. A fire alarm shall be given by striking a gong, and immediately upon such alarm, the children shall be required to immediately form in lines and leave the building in an orderly manner, through the exit and exits that will most expeditiously clear the building. There shall be no certain day of the week, or hour of the day, for giving such alarms, and they shall be given without previous warning to the children.

Installation of fire gongs.

Section 3. It shall be the duty of the trustees or directors, or other persons having the control and management of any school building of the class mentioned in section one of this act, to provide one or more gongs therefor, to be placed in such a manner that any teacher may give an alarm without leaving the room, or that such alarm could be given from the basement. Each member of any board of trustees or directors, or any other person, whose duty it is to install said gongs as herein provided, who fails or refuses so to do shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Misdemeanor. Penalty.

Failure of refusal to give instructions a misdemeanor.

Section 4. Any teacher who fails or refuses to instruct in said fire drill in the manner provided for in this Act, after the installation of gongs as above provided, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than five nor more than twenty-five dollars.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after July 1st, 1909.

Approved February 25, 1909.

CHAPTER 32.

"An Act to Amend Section 882, of the Revised Codes of Montana of 1907, Relating to the Letting of Contracts by School Trustees."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 882 amended.

Section 1. That Section 882, of the Revised Codes of Montana of 1907, be, and the same is hereby, amended so as to read as follows:

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School trustees not to have any interest in contracts to erect, improve or furnish school buildings, etc.

Section 882. It shall be unlawful for any school trustee to have any pecuniary interest, either directly or indirectly, in any erection of school houses, or for warming, ventilating, furnishing, or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or to accept any compensation or reward for services rendered as trustee. No board of school trustees shall let any contract for building, furnishing, repairing, or other work, for the benefit of the district, where the amount involved is two hundred and fifty dollars, or more, without first advertising, in a newspaper published in the county, for at least two weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; provided, however, the board of school trustees shall have the right to reject any and all bids.

Not to accept compensation for services.

Must advertise for certain contracts.

Lowest responsible bidder.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1909.

CHAPTER 33.

"An Act to Empower Counties to Establish and Maintain Public Ferries and Wharves, and to Establish Regulations Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Public ferries and wharves.

Section 1. When it shall be made to appear by petition to any board of county commissioners in this State that it is necessary to keep and maintain a public ferry across, or a wharf at any unfordable stream, lake, estuary, or bay, any county within the State, through its board of county commissioners, is hereby authorized to construct, or to acquire by condemnation or purchase, and to operate, maintain, direct, regulate and control the operation of a ferry across, or a wharf at, any unfordable stream, lake, estuary, or bay within, or bordering on said county, together with all the necessary boats, grounds, roads, approaches, landings, and improvements pertaining thereto, with full jurisdiction and authority to operate and maintain the same free or for toll.

Authority of county to acquire, operate, maintain, regulate and control.

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May acquire real property.

Section 2. The board of county commissioners, in the exercise of the power herein bestowed, may acquire real property, as provided in the Code of Civil Procedure, Title VII, Part III, provided that no county ferry or wharf shall be established or maintained with a landing place in any incorporated town or city, which, by its charter, is vested with the power to build and regulate ferries, wharves or landings at the foot of streets terminating at a river or harbor.

Ferries and wharves in cities excepted.

Ferries uniting two counties.

Section 3. When public ferries, if constructed, would unite two counties, the boards of county commissioners may act jointly to construct, maintain and operate any such ferry or ferries, provided that each county shall acquire its own landings and approaches, and maintain the same separately. Where ferry-men are employed on joint ferries, each county board shall receive a quarterly report from said ferryman, giving such information as the board of county commissioners of either county may require.

Proviso.

Report of ferryman.

Employ ferrymen for free ferries.

May lease.

Bond of lessee.

Condition.

Section 4. The board of county commissioners may employ one or more ferrymen to operate free or toll ferries, and the board may lease any ferries or wharves to a company, firm, or individual, to be operated for the use of the public, and said company, firm, or individual shall give bond in an amount deemed sufficient by the board of county commissioners, and conditioned for the careful and business-like operation of such ferry or wharf, in accordance with law and the regulations of said board.

Rules and regulations.

Posting toll.

Section 5. The board of county commissioners shall make all needful rules and regulations for the government and operation of county ferries, alter and fix rates of toll, and fix the amount of rental when leased to individuals or companies; and in all cases the rate of toll shall be printed in legible form and posted upon the boat and at the landing places.

Section 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 7. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1909.

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CHAPTER 34.

"An Act to Amend Section 2746, of the Revised Codes of Montana, 1907, Relating to Licenses."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2746, of the Revised Codes of Montana, 1907, be amended to read as follows:

Revised Codes of 1907. Section 2746 amended.

Section 2746. Licenses To Be Prepared And Printed —— The County Clerk must prepare and have printed blank licenses of all classes mentioned in this chapter, with the blank receipt attached for the signature of the County Treasurer when sold. The printer shall deliver to the clerk of the Court all the license blanks ordered, with bill for same, showing forms and numbers. The Clerk of the Court shall verify same, record in book the forms and numbers, then deliver said licenses to the County Clerk, taking his receipt for same in the record book. The County Clerk shall keep all license blanks delivered to him under lock and key and be accountable for same.

License blanks to be prepared and printed.

Clerk of the Court, duties.

County Clerk to keep blanks under lock and key.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1909.

CHAPTER 35.

An Act to amend Sections 1025, 1028, and 1029 of the Revised Codes of Montana of 1907 relative to the Designation of Pioneer Day, Filing of Essays, and course of Exercises.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1025, 1028, and 1029 of the Revised Codes of Montana be and the same are hereby amended so as to read as follows:

Revised Codes of 1907. Sections 1025, 1028 and 1029 amended.

Section 1025. That the first Friday of November of each year shall be designated and known as Pioneer Day in the State of Montana.

Pioneer day.

Section 1028. That copies of such essays shall be filed by the said State Board of Education with the Librarian of the

Copies of essays to be filed with the Historical and Miscellaneous Librarian.

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Historical and Miscellaneous Department of the State Library.

Librarian of the Historical and Miscellaneous Library shall prescribe course of exercises to be observed in public schools.

Section 1029. That the Librarian of the Historical and Miscellaneous Department of the State Library shall have power and it shall be his duty to prescribe from year to year a suitable course of exercises to be observed in the public schools of the State on Pioneer Day.

Section II. All acts and parts of acts in conflict herewith are hereby repealed.

Section III. This act shall be in full force and effect after its passage and approval.

Approved February 26, 1909.

CHAPTER 36.

An Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana, 1907 relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1661 amended.

Section 1. That Section 1661 of the Revised Codes of Montana of 1907 be and the same is amended so as to read as follows:

Secretary of Bureau of Animal and Child Protection, appointment and salary.

Section 1661: The Governor of the State is hereby authorized and empowered to appoint a Secretary at a salary of Twenty Four Hundred ($2400) Dollars per annum, payable monthly, who shall be chief of the Bureau, whose duty it shall be to carry out the purposes of said Bureau as hereby established.

Revised Codes of 1907. Section 1664 amended.

Section 2. That Section 1664, Revised Codes of Montana, 1907 be and the same is hereby amended to read as follows:

Section 1664. The Secretary shall have the power to appoint four deputies, one of whom shall have his office in the city of Butte, one in Havre, one in Billings and one in Missoula. Such deputies shall take and subscribe the same oath required by the principal, and the same shall be of record in the Secretary's office.

Deputies. Residence of deputies.

Oath.

The deputies shall have the same power and authority as

fixed by law in the principal, and shall have a salary of Eighteen Hundred ($1800.) Dollars, per annum, payable monthly, out of the public Treasury. They shall make full and complete reports every month to said principal showing all their official acts, with names of persons accused and against whom prosecutions may have been instituted, and the results thereof. Said deputies may be removed, at any time by the Secretary, and another appointed to fill the vacancy. All deputies shall have authority to investigate cases reported to said Bureau from any section of the State of Montana when called or directed to do so by the Secretary of said Bureau.

Powers and salaries of deputies.

Monthly reports.

Removal.

Section 3. All acts and parts of acts in conflict with this act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval provided that it shall not apply to those heretofore elected or appointed to said office.

Approved February 26, 1909.

CHAPTER 37.

An Act concerning the payment of deposits in banks in Trust.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any deposit shall be made in any Bank, Savings Bank, Banking institution, or Trust Company, by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same, or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom said deposit was made.

Funds deposited in banks.

Section 2. This Act shall take effect immediately.

Section 3. All Acts or parts of Acts in conflict with provisions of this Act are hereby repealed.

Approved February 27, 1909.

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CHAPTER 38.

An Act to Provide for the erection of Dock and Wharves on the Navigable Waters within the State of Montana, and to Provide for their Management and Control.

Be it enacted by the Legislative Assembly of the State of Montana:

Wharves and docks.

Who may build.

Proviso.

Section 1. Any person or persons owning land bordering upon any of the navigable waters within the State of Montana, is hereby granted a license and permit to build docks and wharves over, across and upon the "lands under water" belonging to the State of Montana. Provided, however, that such docks and wharves shall be extended out into such navigable water such distance only as may be necessary to permit any and all boats, steamboats and vessels to safely land thereat and discharge and take on it's or their cargoes and passengers.

Shall be public.

Dockage.

Section 2. That all docks and wharves built on any of the navigable waters of the State shall be public docks and wharves, and all boats, vessels and steamboats plying such navigable waters shall have a right to land thereat and take on and discharge it's or their cargoes and passengers thereon. Provided, however, the owner of such dock or wharf shall have the right to charge and collect from the owner or owners of such boat, steamboat or vessel, a reasonable compensation therefor.

License to build may be revoked.

No title acquired.

Section 3. The License granted in Section 1 of this Act to build docks and wharves over and upon the lands under the navigable waters of this State, conveys no title in such lands and such license may be revoked by the State of Montana at any time.

Definition of term "Land under water."

Section 4. By the term "land under water" is meant all land under any navigable waters of this State, extending from high water mark or from the meander line where the shores of lakes or streams have been meandered, to the lake or stream.

Railroad commissioners shall have jurisdiction and power to fix fees.

Section 5. The Railway Commission of this State shall have Jurisdiction over all docks and wharves within the State and have full power to regulate, determine and fix all dockage and wharfage fees.

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This Act shall take effect and be in full force from and after its passage and approval.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1909.

CHAPTER 39.

"An Act to Regulate the Practis of the Profession of Public Accounting."

Be it enacted by the Legislative Assembly of the State of Montana:

"Certified Public Accountant."

Section 1. That any person having been granted by the University of Montana (a corporation organized and existing under the laws of this State and hereinafter referred to as the "University") a certificate of his competency to practice as a Public Expert Accountant shall be known as, and styled, a "Certified Public Accountant" and shall be authorized to use the initials "C. P. A." after his name; and no person who has not received such certificate, nor any partnership all the members of which have not received such certificates, and no corporation shall assume such title or the title "Certified Accountant" or Chartered Accountant" or the letter "C. P. A." or "C. A." or any other words or letters or abbreviations tending to, or intending to, indicate that the persons, firm or corporation using them is a Certified Public Accountant within the meaning of this Act.

Who may use the initials, "C. P. A." after their names.

Partnerships.

Corporations.

How qualifications to be determined.

Board of examiners.

Qualifications of members.

Term of office.

Section 2. The University shall, through a Board of Examiners by it appointed, determine the qualifications of all applicants for a certificate under this Act. The Board of Examiners shall consist of three persons skilled in the knowledge, theory and practice of accounting in all its branches and in commercial law as affecting accountancy, each one of whom shall be the holder of the degree of "Certified Public Accountant" granted to him under this Act or be entitled to receive the degree without examination in accordance with the purport and intent of clause (3) of Section 4 of this Act. The Examiners shall hold office for the period of three years and until their successors are appointed and qualified; except that of the three Examiners first appointed under this Act,

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To whom certificates may be granted.

one shall hold office for one year and one for two years.

Section 3. A certificate as a "Certified Public Accountant" shall be granted to any person, a citizen of the United States or having in good faith and in the manner required by law declared his intention of so becoming, of the age of twenty-one years, of good moral character, a graduate of an accredited High School or having an equivalent education and (except under the provisions of Section 4 of this Act) who shall have been certified to the University by the said Board of Examiners as having successfully passed, (a) a written examination in "Theory of Accounts," "Practical Accounting," "Auditing," "Commercial Law as Affecting Accountancy" and such other subjects as the University may designate, and (b) an oral examination of sufficient scope, thoroughness and severity to test and to determine the fitness of the examinee to practice as professional accountant. Any person shall be eligible to and permitted to take such examination who has had three years practical experience in accounting acquired (a) practicing on his own account, or (b) in the office of a public accountant or (c) in a responsible accounting position in the employ of a business corporation, firm or individual. All such examinations shall be conducted by the Board of Examiners herein provided for and not less than thirty days prior to the date of each examination the time and place of holding it shall be noticeably advertised for not less than three consecutive days in three representative daily newspapers published in the State. The examination shall take place as often as, in the opinion of the University, may be necessary but not less frequently than one each year.

Upon what subjects examinations are to be made.

Notice of holding of examinations to be published.

Rules and regulations of examinations.

The University shall make all useful rules and regulations regarding the conduct, character and scope of the examinations, the method and time of filing and the form and contents of applications therefor and all other rules and regulations necessary to carry into the effect the purposes of this Act.

Holders of certificates from other states and foreign countries.

Section 4. Upon the recommendation of the Board of Examiners the University may in its discretion waive the examination of, and issue the degree of Certified Public

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Accountant to, any person a citizen of the United States or having in good faith and in the manner required by law declared his intention of so becoming a resident of the State of Montana or maintaining a regular place of business therein who is, (1) The holder of a C. P. A. certificate issued under the laws of another State which extends like privileges to Certified Public Accountants of this State; provided the requirements for said degree in said other state are, in the opinion of the Board of Examiners, equivalent to those herein stipulated, or (2) the holder of the degree of "Certified Public Accountant," or "Chartered Account" or the equivalent thereof issued in any foreign government; provided that the requirements, for said degree in said foreign government are, in the opinion of the Board of Examiners, equivalent to those herein stipulated, or (3) of the age of twenty-five years, of good moral character, a graduate of an accredited high school or having an equivalent education, who has had at least three years experience in the practice of public accounting in this State and whose qualifications are in every respect equal to those assumed and implied by the successful passing of the examinations stipulated in Section 3 of this Act and who is personally known to the Board of Examiners to be so qualified as a competent and skilled accountant in theory and in practice and who shall apply in writing to the University for said certificate within one hundred and eighty days after the passage of this Act.

Proviso.

Other persons.

Application to be made, when.

Section 5. The University may for unprofessional conduct or for other sufficient cause revoke, or cancel the registration of any certificate issued under this Act; provided that written notice of the cause for such contemplated action and the date of the hearing thereon by the University shall have been mailed to the holder of such certificate at least thirty days before said hearing and no certificate issued under this Act shall be revoked until said hearing shall have been held.

Revocation of certificates.

Notice of hearing.

Section 6. Each candidate for the examinations provided for this Act and each applicant for a certificate under Section 4 of this Act shall pay in advance to the University a fee of Twenty-five Dollars ($25.00) to defray the expenses of such examinations; except that any candidate failing to

Applicant's fee.

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Second examination without fee.

pass the required examination shall be entitled to take a second examination without further fee. The Examiners appointed under the provisions of this Act shall be reimbursed for all legitimate travelling and hotel charges expended in the performance of their duties as such but shall not receive any compensation for their time likewise expended. From the fees collected under this Act the University shall pay all the expenses of, and incident to the examinations, the expenses of issuing certificate and the traveling and hotel expenses of the Examiners while performing their duties under this Act, and at the close of each calendar year any surplus remaining after the payment of the years expenses, shall become the property of the University and in no event shall any expenses incurred under this Act be a charge against the funds of the University nor of the State.

Expenses of examiners.

Surplus funds, after payment of all other expenses, to be be property of the University.

Falsely representing one's self as holding certificate.

Section 7. If any person shall falsely represent himself to the public as having the certificate provided for in this Act, or shall assume to practice as a Certified Public Accountant without having received such certificate, or having received such certificate shall thereafter lose it be revocation, and shall continue to practice as a Certified Public Accountant, or shall without warrant of law use such title or any other title mentioned in Section 1 of this Act, or if any person shall violate any of the provisions of this Act, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars or imprisonment in the County Jail for a period of not less than one month nor more than six months, or both, in the discretion of the Court, for each day during which he shall so unlawfully practice or violate any of the provisions of this Act.

Practicing without certificate.

Misdemeanor.

Penalty.

Section 8. This Act shall take effect from and after its passage and approval by the Governor.

Approval February 27, 1909.

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CHAPTER 40.

An Act to prevent Discrimination by Surety Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Foreign surety companies not to discriminate.

Section 1. It is hereby made the duty of all Surety Companies not organized under the laws of the State of Montana, but authorized to transact business therein, and doing business in said State, to provide all necessary bonds or under-takings for all residents of said State who shall make application therefor, and to furnish all such bonds or undertakings to all such applicants upon the same terms and conditions and without discrimination.

In case company refuses to furnish bonds applicant may sue in district court.

Section 2. In case of the refusal of any such Company to provide or furnish any applicant with a bond or undertaking, the applicant may file in the District Court of the County of his residence a petition setting forth the facts and praying that such Company be required to provide or furnish the bond or undertaking required; whereupon the Judge of said Court shall issue a citation to such Company commanding it to show cause, at a time and place to be named, in the citation, why it does not provide or furnish such bond or undertaking. At the time designated in the citation for answering the same the said Judge shall proceed summarily to hear the petition. If it shall appear that the refusal was made in good faith and for good and sufficient reasons, and that a written statement of such reasons had been theretofore furnished to said applicant as hereinbefore required, the petition shall be dismissed; but if the said Company shall fail to establish that its refusal was in good faith, and for good and sufficient reasons, judgment shall be rendered against it, commanding it to furnish or provide such bond, within a time to be fixed by the judgment.

Citation.

Summary hearing of petition.

Judgment.

Refusal to comply with terms of judgment.

Section III. Should any such Company fail to comply with any such judgment its right to transact business in Montana shall there-upon cease, and an order shall be entered in the said proceedings, after notice to it, adjudging its right so to transact business in Montana to be forfeited and commanding it to desist and refrain from transacting any business in the state, or from soliciting any such business without it, which order may be enforced in the same manner as in-

Enforcement of orders.

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junctions generally; a certified copy of such order shall forthwith, on the entry of the same, be transmitted by the Clerk of the District Court in which said proceedings are had, to the State Auditor who shall file the same in his office and immediately revoke the license of the said Company and thereafter any person, association or corporation which may exact or require of any person, or make it a condition of employment, or the retention of employment, that he make or execute any bond or undertaking with such Company as surety shall be deemed guilty of a misdmeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars, ($100) nor more than One Thousand Dollars ($1000.) provided, however, nothing herein shall be so construed as to deprive either party to such proceedings of the right of trial of any question of fact therein, by a jury.

Auditor to revoke license of company.

Requiring employe to obtain bond from such company a misdemeanor.

Penalty.

Procedure.

Section IV. The provisions of the Code of Civil Procedure shall be applicable to the proceedings authorized by this Act except as herein provided, and except that an appeal from either the judgment or order in such action may be taken by the petitioner of the Surety Company to the Supreme Court but such appeal must be taken within sixty days after the same shall have been entered.

Appeals.

Section V. All acts and parts of acts in conflict herewith are hereby repealed.

Section VI. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1, 1909.

CHAPTER 41.

An Act relating to Banks and Banking; providing for a conversion from a State Bank to a National Bank; and surrender of its charter as a State Bank and transfer of its property; providing for an increase or decrease in the capital stock of such a Bank; Providing for conversion from a National to a State Bank.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Change from State to National Bank. Any Bank may become a corporation for the purpose of carrying on the business of banking within this State pursuant to the

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States and other banks may become National banks, when.

provisions of the Act of congress, "to provide a National currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of title fifty-two of the Revised Statutes of the United States, whenever stock holders owning two-thirds of the stock of such Bank shall have voted to become such corporation, or have executed a written consent authorizing its directors to make the certificate required therefor by the laws of the United States, or whenever a majority of the directors of such Bank having been authorized in their discretion to make the change, shall, by a vote of such majority decide to become such corporation; and the Cashier of such Bank shall publish notice thereof for thirty days in such newspaper as the directors may select, and send a like printed notice by mail or otherwise to all non-voting or dissenting stock holders, and notify the State Bank Examiner of this State that such Bank has decided to become a corporation under the laws of the United States.

Vote of two-thirds of capital stock required.

When directors may make the change.

Cashier shall publish notice and notify state examiner that bank has decided to become a National bank.

Section 2. When Deemed To Have Surrendered its Charter.—Any such Bank which will become a corporation for carrying on the business of banking under the laws of the United States shall cease to be a corporation under the laws of this State, except that for the term of three years thereafter, its corporate existance shall be deemed to continue for the purpose of prosecuting and defending suits by and against it, and of enabling it to close its concerns, and to dispose of and convey its property. The members of the Board of Directors last in office, when such corporation shall have become a corporation under the laws of the United States, shall continue to be the board of directors of the new corporation, with power to take all necessary measures to cary out and perfect such organization by signing the Articles of Association and the organization certificate, and adopting such regulations as may be just and proper and not inconsistent with the acts of congress in relation thereto. Such change from a State to a National Bank corporation shall not release any such Bank from its obligations to pay and discharge all the liabilities created by law or incurred by it before becoming a National Bank corporation, or any tax imposed by the

State bank's corporate existence to continue three years after it has become a National bank.

State bank directors to become National bank directors for certain purposes.

State bank to continue liable for its debts and for taxes.

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laws of this State up to the date of its becoming such National Bank corporation, in proportion to the time which has elapsed since the next preceding payment thereof.

May reduce capital stock.

Section 3. Reduction of Capital Stock in such Cases.—The Director of such new corporation may reduce the capital stock of the Bank to its par value by dividing the surplus among its stockholders, or may retain such portion of such surplus as they may deem necessary; and in case of an increase of the capital stock under the provisions of the Acts of Congress, may charge the shares of such increased capital stock with a like amount, to place the whole of such capital stock on an equality; and may award such new stock, or such proportion or fractional parts thereof, to such persons as they shall determine are entitled thereto, and as are provided in their articles of association and in the acts of Congress; but new directors may be chosen at such time and in the manner provided in the Articles of association and the Acts of Congress.

May exchange old stock for new.

New directors.

Certificate to be executed and transmitted to the comptroller of the currency.

Section 4. Certificate of Change.—When any such Bank has decided to become a corporation under the laws of the United States, the directors shall immediately thereafter execute and transmit to the comptroller of the currency the proper certificate and other instruments for its conversion into a National Bank corporation under the laws of the United States. When any such Bank shall have become authorized to commence the business of banking under the laws of the United States, all the property of such Bank shall immediately, by act of law, and without any conveyance or transfer, be vested in and become the property of the National Bank corporation, into which such Bank, shall have been converted.

Bank property.

When dissolved National banks may become State banks.

Section 5. National Banks May Reorganize as State Banks.—Any National Bank authorized to dissolve, and which shall have taken the necessary steps to effect dissolution, may reorganize as a State Bank upon the consent in writing of the owners of two-thirds of the capital stock of such Bank, and with the approval of the State Bank Examiner. The stockholders shall make, execute and acknowledge articles of incorporation as required by the laws of the

Articles of incorporation under State laws.

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State of Montana and shall set forth therein the said written consent of such stockholders. Upon the filing of said articles as provided by law, and upon the approval of the State Bank Examiner, such Bank shall be deemed to be reorganized under this Act, and thereupon all assets, real and personal, of such dissolved National Bank shall be vested in and become the property of such reorganized State Bank, subject to all liabilities of such National Bank not liquidated, before such reorganization.

Property and liability.

Section 6. All Acts and parts of Acts in conflict herewith are hereby reapealed.

Section 7. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1909.

CHAPTER 42.

An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Agricultural experimental station.

Section 1. That the Montana State Board of Land Commissioners are hereby authorized and directed to purchase for the benefit and use of the Agricultural Experiment Station connected with and a department of the Agricultural College, at Bozeman, Montana, the following lands situated in Gallatin County, Montana, to-wit: The Northwest Quarter of Section Fourteen (14), in Township Two (2), South of Range Five (5) East, and Blocks numbered Eight (8) and Nine (9) in Capitol Hill Addition to the City of Bozeman, Montana.

Description of land to be purchased.

Board of land commissioners may pay for same from proceeds of sale of lands of the Agricultural College land grant.

Section 2. That the said Montana State Board of Land Commissioners are empowered and directed to use for the payment of the purchase price of the Lands described in Section 1 of this act, the sum of Eighteen Thousand and Eight Hundred Dollars ($18,800) or so much thereof as may be necessary out of the proceeds from the sale of lands granted to the State of Montana for the use and support of

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an Agricultural College in accordance with Section Five (5) of the Act of Congress entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and by Section Sixteen (16) of an Act of Congress approved February 22, 1889, entitled, "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and to be admitted into the Union on an equal footing with the original states and to make donations of lands to such states;" that of the sum of Eighteen Thousand Eight Hundred Dollars ($18,800) mentioned in this section, the sum of Sixteen Thousand Dollars ($16,000) is to be used for the purchase of the Northwest Quarter of Section Fourteen (14), in Township Two (2), South of Range Five (5) East, situate in Gallatin County, Montana, and the sum of Two Thousand Eight Hundred Dollars ($2,800) is to be used for the purchase of Blocks numbered Eight (8) and Nine (9) in Capitol Hill Addition to the City of Bozeman, Montana.

Prices to be paid for the separate tracts purchased.

Section 3. That the title to said lands when purchased shall vest in the State of Montana and whenever said lands are sold or otherwise disposed of the proceeds therefrom shall be returned to the permanent fund of the Montana Agricultural College.

Title to vest in State and in case of sale the proceeds to be returned to the permanent fund of the Agricultural College.

Section 4. This Act shall take effect and be in full force after its passage and approval.

Approved March 2, 1909.

CHAPTER 43.

An Act to amend Section 2244 of the Codes of Montana of 1907 requiring the State Engineer to pass upon and furnish plans and specifications for Bridges when requested so to do by Boards of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2244 of the Codes of Montana 1907 be and the same is hereby amended by the addition thereto of

Revised Codes of 1907. Section 2244 amended.

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a new subdivision to be known as subdivision 7 and to read as follows:—

7. He shall pass upon and furnish plans and specifications for Bridges when requested so to do by Boards of County Commissioners.

Subdivision 7. State Engineer, duties of.

Section II. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 27, 1909.

CHAPTER 44.

An Act to provide for the payment of the actual expenses of county assessors incurred in the performance of official duty.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Assessor and his deputies in each County in this State shall be paid the actual and necessary traveling expenses by them incurred, not to exceed $50.00 in any one month, during the months of March, April, May and June of each year while in the performance of official duty, upon presenting and filing a verified claim thereof, supported by vouchers, for each item of expense, to the Board of County Commissioners of their respective county.

County Assessors and deputies. Actual traveling expenses of.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1909.

CHAPTER 45.

An Ac to amend Sections 77, 78 and 79, and Repeal Section 80 of the Revised Statutes of Montana 1907, Relating to the Compensation of Members, Officers and Employes of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 77 of the Revised Codes of Montana 1907, be and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 77 amended.

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Per diem to be paid members of the Legislature.

Section 77. Members of the Legislative Assembly hereafter elected shall receive Ten Dollars per day, payable weekly during the Session of the Legislative Assembly, and Ten Cents per mile for each mile of travel to and from their residence and the place of holding the session, by the nearest traveled route.

Section 78 amended.

Section 2. That Section 78 of the Revised Codes of Montana 1907, be and the same is hereby amended to read as follows:

President of the Senate and Speaker of the House, compensation.

Section 78. The President of the Senate after the first Monday in January, 1913, and the Speaker of the House shall receive the sum of Twelve Dollars per day during the Session of the legislative Assembly, and the same mileage as members.

Section 79 amended.

Section 3. That Section 79 of the Revised Codes of Montana 1907, be and the same is hereby amended to read as follows.

Secretary of the Senate and Chief Clerk of the House, compensation.

Section 79. There must be paid to the Secretary of the Senate and the Chief Clerk of the House of Representatives, Ten Dollars per day each. To the Assistant Secretary, Assistant Chief Clerk, Journal Clerk and Bill Clerk, Six Dollars per day. The Engrossing Clerk, Enrolling Clerk, Sargent at Arms, the Assistant Sargent at Arms and Assistant Journal Clerk of the Senate and House, each Six Dollars per day. To each Committee Clerk, Door-keeper, Janitor, Watchman and Chaplain of each House, each Five Dollars per day. The Pages of each House each Four Dollars per day.

Assistant secretary and assistant chief clerk, compensation.

Compensation of other Legislative employees.

Section 80 repealed.

Section 4. That Section 80 of the Revised Codes of Montana 1907, be and the same is hereby repealed.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after the first Monday in January, 1911.

Approved March 2, 1909.

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CHAPTER 46.

An Act to amend Section 1680 of the Revised Codes of Montana, of 1907, relating to the powers and duties of the State Coal Mine Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1680 of the Revised Codes of Montana, of 1907, be, and the same is hereby amended so as to read as follows:

State Coal Mnie Inspector, qualifications.

Section 1680. No person shall be eligible to the office of Coal Mine Inspector until he shall have attained the age of thirty years, must be a citizen of the United States, a qualified resident of the State of Montana and been actually employed at coal mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of Coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. And has passed a successful examination and whose certificate of qualification has been filed with the Governor by the Board of Examiners, as provided for by law.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1909.

CHAPTER 47.

"An Act to Amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7116 of the Revised Codes of Montana be amended so as to read as follows:

Revised Codes of 1907. Section 7116 amended.

Section 7116. If the appellant fails to furnish the requisite papers, the appeal may be dismissed; provided, however, no appeal can be dismissed for insufficiency of or other objection to the undertaking thereon, even though the same may be

Appeals, dismissal of.

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Undertaking.

void, if a good and sufficient undertaking, approved by a justice of the supreme court, be filed in the supreme court before the hearing upon a motion to dismiss the appeal; and provided further, that no appeal can be dismissed for any objections to the record or the brief of the appellant if the cause of such objection is removed by perfecting the record or brief to the satisfaction of the court or a justice thereof before the hearing of a motion to dismiss. All objections to the record and brief of appellant shall be deemed waived unless a motion to dismiss is made because thereof, except such as will prevent a fair hearing, consideration and decision of the appeal on its merits; and as to any such objection the Court may, in its discretion permit a compliance with the provision of the law or rule of Court violated within such time and upon such terms as may be just.

Defective records.

Waiver of objections to defective records by motion.

Court may permit cure of defective records affecting the merits.

Section 2. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved March 3, 1909.

CHAPTER 48.

"An Act to Amend Section 1770, of the Revised Codes of Montana of 1907, Relating to the Burial of Dead Bodies, and Prescribing the Duty of the Attending Physician in Making Certificate of the Cause of Death."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1770 amended.

Section 1. That Section 1770, of the Revised Codes of Montana, of 1907, shall be, and hereby is, amended so as to read as follows:

Undertakers, duties of in securing burial permits.

Section 1770. That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and

To obtain certificate from attending physician.

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said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

Duties of attending physician.

Medical certificate, what to contain.

Misdemeanor.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 49.

An Act Prohibiting Marriage between White Persons and Negroes, Persons of Negro Blood, and between White Persons, Chinese and Japanese, and making such marriage Void; and prescribing punishment for Solemnizing such Marriages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every marriage hereafter Contracted or Solemnized between a White Person and a Negro or a person of Negro Blood or in part Negro, shall be utterly Null and Void.

Marriages between persons of negro blood and white persons.

Section 2. Every marriage hereafter Contracted or Solemnized between any White Person and a Chinese Person shall be utterly Null and Void.

Marriages between white persons and Chinese.

Section 3. Every marriage hereafter Contracted or Solemnized between a White Person and a Japanese Person shall be utterly Null and Void.

Between white persons and Japanese.

Section 4. Every such marriage mentioned in either of the foregoing Sections which may be hereafter contracted or

Null and void within this State.

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solemnized without the State of Montana by any person, who has, prior to the time of contracting or solemnizzing said marriage been a resident of the State of Montana shall be null and void within the State of Montana.

Persons and officers solemnizing such marriages guilty of a misdemeanor.

Section 5. Any Person or Officer who shall Solemnize any such Marriage within the State of Montana, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of Five Hundred Dollars or imprisonment in the county jail for one month, or both.

Section 6. All Acts in conflict with this Act are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its final passage.

Approved March 3, 1909.

CHAPTER 50.

An Act to Amend Section 2654, of the Revised Codes of Montana of 1907, Relating to Tax Deeds, and to fix the Limit of time in which actions to set Aside or Annul Tax Deeds may be Brought.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2654, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Tax deeds, conclusive evidence of what.

Section 2654. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of all other preceedings, from the assessment by the assessor, inclusive, up to the evecution of the deed, and no action can be maintained to set aside or annul a tax deed, upon any ground whatever, unless the action is commenced within two years from and after the date of issuance of such tax deed; provided, that any existing right of action to set aside or annul any tax deed, heretofore issued, shall be barred unless instituted within two years from and after the passage and approval of this Act.

Actions to annul or set aside, when to be commenced.

Proviso.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 51.

"An Act concerning the Duration and Renewal of Life Insurance Corporations and the Number of Directors thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That corporations organized in this State for the transaction of the business of life insurance may be formed to endure fifty years; but they may be renewed from time to time for the same or shorter periods, within three months before or after the time for the termination thereof, if a majority of the votes cast at any regular election, or special election called for that purpose, be in favor of such renewal, and if those wishing such renewal shall purchase the stock of those opposed thereto at its real value.

Domestic life insurance companies.

May incorporate for fifty years.

May extend duration.

Section 2. That the by-laws of corporations organized in this State for the transaction of the business of Life Insurance shall fix the number of the trustees or directors thereof, but the same shall not be less than three, and a majority threof shall be residents of this State.

By-Laws.

Number of trustees or directors.

Section 3. That all Acts and Parts of Acts in conflict with this Act are hereby repealed.

Section 4. That this Act shall be in force from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 52.

"An Act to repeal Section 8368 of the Revised Statutes of the State of Montana, 1907, relating to the Burial of Bodies without Physicians Certificate."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8368, Revised Statutes, 1907, be and the same are hereby repealed.

Revised Codes of 1907. Section 8368 repealed.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 53.

"An Act Relating to Certain Deputy and Assistant County Officers in Counties of the First Class."

Be it enacted by the Legislative Assembly of the State of Montana:

County Clerks in counties of the first class may appoint a chief deputy clerk. Salary of.

Section 1. That the county Clerk in counties of the first class may designate one of his deputy clerks as chief deputy clerk who shall receive a salary of Eighteen Hundred ($1800.00) Dollars per annum.

Assessors of counties of the first class may appoint a chief deputy assessor. Salary.

Other deputies.

Section 2. That the assessor in counties of the first class may appoint one chief deputy assessor, who shall receive a salary of Eighteen Hundred ($1800.00) Dollars per annum, in lieu of the regular deputy as now provided by law; and such assessor may also appoint such other deputy assessors for the months of March, April, May, June, July and August, as now provided by law.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1909.

CHAPTER 54.

"An Act to Insure Accuracy in the Sampling of Ores."

Be it enacted by the Legislative Assembly of the State of Montana:

Purchasers and samplers of ore shall maintain sampling rooms accessable during sampling to shippers and their agents.

Section 1. Any person, association or corporation engaged in the business of buying or sampling or smelting for hire ores of gold, silver, copper, lead, zinc, iron or other valuable metal, shall maintain a sampling room or house to which the ore shippers, their agents, or representatives, shall have access at all times during the sampling of ores, or while the same is being carried on, and in which shall be samples of all ores he or they may buy or smelt.

Section 2. Every such person, association or corporation

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which shall buy any ores upon any agreement to pay for the same in amount dependent upon the metalic contents of the same, or smelt any ore, shall retain from the pulp or crushed ore, as the same is sampled, an amount selected regularly and at equal intervals from any lot of ore so brought or to be smelted, a quantity not less than fifty pounds (50) out of each ton of such ore, and shall keep the same separate and apart from any other ores or pulp for a period of thirty days or until full settlement is made and accepted by the shipper and until such settlement is made and accepted, the ore shipper, his agents, or representatives, shall be entitled to take from the quantity so retained any part thereof for the purpose of sampling or assaying the same; provided that the value of any part so taken by such owner or shipper may be deducted from the total value of the ore delivered by him.

Shall retain samples of fifty pounds per ton until full settlements are made.

Shippers may take any part thereof for sampling and assaying.

Section 3. Any person who shall with the intent to defraud in any manner, introduce into any ore or comingle with any ores intended for sale in any smelter or with any person, association or corporation shall have undertaken for hire to smelt ore into any sample retained for test or assays as in the next preceding Section provided, in any manner whatever shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by fine of not less than One Hundred Dollars ($100.) nor more than One Thousand Dollars ($1,000.) or by imprisonment in the county jail for a period of not less than sixty days, nor more than twelve months or by both such fine and imprisonment.

Salting samples a misdemeanor.

Penalty.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 3, 1909.

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CHAPTER 55.

"An Act Providing that a City or Town Council may Contract Indebtedness on Behalf of such City or Town by Borrowing Money or Issuing Bonds for the Purpose of Purchasing and Improving Lands for Public, City or Town Parks and Grounds."

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and towns may contract additional indebtedness to purchase and mprove public parks and grounds.

Section 1. A city or town council, in addition to the power it now has under the law, has and is hereby granted and given the further power to contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public parks and grounds provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not at any time, exceed three per centum of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes; and provided further that no money must be borrowed on bonds issued for the purchase of lands and improving same for public parks and grounds until the proposition has been submitted to the vote of the tax payers of the city or town affected thereby, and a majority vote cast in favor thereof.

Total amount of indebtedness authorized.

Special elections.

Section 2. Nothing in this Act shall be so construed as to repeal or annul Section 3259 of the Revised Codes of Montana of 1907, or any part or portion thereof.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and ater its passage and approval by the Governor.

Approved March 3, 1909.

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CHAPTER 56.

"An Act to Amend Section 3208 of the Revised Codes of Montana of 1907, Relating to the Organization of Cities and Towns."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3208 amended.

Section 1. That section three thousand two hundred and eight (3208) of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Organization of cities and towns.

Section 3208. Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than fifty qualified electors, residents of the State, and residing within the limits of the proposed incorporation, to the Board of County Commissioners of the County in which the territry is situated, which petition must describe the limits of the proposed city or town, and of the several wards thereof, which must not exceed one square mile for each five hundred inhabitants residents therein. The petitioners must annex to the petition a map of the proposed territory to be incorporated, and state the name of the city or town. The petition and map must be filed in the office of the county clerk. Upon filing the petition the Board of County Commissioners, at its next regular or special meeting, must appoint some suitable person to take a census of the residents of the territory to be incorporated. After taking the census, the person appointed to take the same must return the list to the Board of County Commissioners, and the same must be filed by them in the county clerk's office. No municipal corporation must be formed unless the number of inhabitants is three hundred or upwards.

What petition shall contain.

Number of inhabitants.

Map and petition to be filed.

County Commissioners, duties.

Census.

Section 2. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved March 3, 1909.

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CHAPTER 57.

"An Act to Prohibit the Selling or Dispensing of Liquors in Clubs, Societies and Associations in Towns and Places of less than Three Hundred Inhabitants without a Liquor Dealer's License."

Be it enacted by the Legislative Assembly of the State of Montana:

Clubs, societies and associations in towns of less than 300 inhabitants forbidden to dispense liquors.

Section 1. No club, society or association now or hereafter run or conducted by any person, persons, association or corporation in any town or place in this State, having a population of less than three hundred bona fide residents, shall be permitted to sell or dispense intoxicating liquors to the members of such club, society or association, or otherwise, without first procuring a liquor dealer's license in the manner required by law.

County Treasurer and County Attorney to proceed against violators of this act.

Section 2. Any club, society or association of the kind mentioned in Section One of This Act, which is run or conducted in violation of said Section One, shall be proceeded against by the county treasurer and county attorney in the manner provided in Section 2750, of the Revised Codes of Montana of 1907.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 58.

"An Act Prohibiting the Wearing of the Uniform of the United States Army or Navy or National Guard, and Providing a Penalty for the Violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Wearing of uniforms of U. S. army, navy, or National guards by certain persons forbidden.

Section 1. Every person, other than an officer or enlisted man of the National Guard of the State of Montana, or of any other State, or of the United States Army or Navy, Marine Corps or Revenue Service or Forest Service, or instructor, or student in a Military School, or inmate of any Veterans' or Soldiers' Home, who at any time wears the uniform of the United States Army or Navy or National

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Guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of Montana, is guilty of a misdemeanor, and if found guilty of such offense shall be punishable by a fine of not less than One Hundred nor more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment; Provided that nothing in this Act shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any play house or theater while actually engaged in following said profession, and Provided, that nothing in this Act, shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and provided further, that whenever the National Guard, or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said National Guard is in service.

Misdemeanor.

Penalty.

Proviso.

Certain persons excepted from this act.

Locality where the National guard is in service.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1909.

CHAPTER 59.

"An Act to Amend Section 3232 of the Revised Codes of Montana, 1907, relating to judges and clerks of Election, Voting Precincts and Election Precincts within cities and Towns."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3232 of the Revised Codes of Montana of 1907, be and the same is hereby amended so as to read as follows:

Revised Codes of 1907. Section 3232 amended.

Section 3232. The council must appoint judges and clerks of election and places of voting. There must be at least one place of voting in each ward, and there may be as many more as the council by ordinance shall fix, and the elector must vote in the ward in which he resides. The election precincts in a city or town must correspond with wards, but a ward may be subdivided into several voting precincts, and when

Judges and clerks of election in cities and places of voting.

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Election precincts.

Residence of electors.

Voting machines.

so divided the elector shall vote in the precinct in which he resides, and all elections must be conducted according to the general laws of the State. In all cities where voting machines are used, the city council must subdivide the wards into such number of voting precincts that there will be no more than six hundred votes in each precinct.

Section 2. That all Acts and parts of Acts in conflict herewith, be and the same are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 60.

"An Act to Amend Section 5819, Chapter V, Title, XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Loggers' Liens."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 5819 amended.

Section 1. That Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, be amended to read as follows:

Leins on logs, piling, ties, cordwood and timber.

Section 5819. Every person performing labor upon, or who shall assist in obtaining or securing saw logs, piling, railroad ties, cord wood or other timber, has a lien upon the same and upon all other saw logs, piling, railroad ties, cord wood or other timber which, at the time of the filing of the claim or lien hereinafter provided, belonged to the person or corporation for whom the labor was performed, for the work or labor done upon or in obtaining or securing the particular saw logs, piling, railroad ties, cord wood or other timber in said claim or lien described, whether such work or labor was done at the instance of the owner of the same or his agent, or a contractor or sub-contractor or any person in behalf of such owner or his agent, or a contractor or sub-contractor. The cook in a logging camp shall be regarded as a person who assists in obtaining or securing any of the timber herein mentioned.

Cook's lien.

Section 2. All Acts and parts of Acts in conflict with this act are hereby repealed.

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This Act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 61.

"An Act to give Boards of County Commissioners Power to Offer Rewards for the Apprehension and Conviction of Persons Guilty of Crime; to Employ, or Authorize the Employment of Stock Inspectors, and to employ, or authorize the employment, of Special Counsel in Criminal Actions and in Actions in which the County is a Party."

Be it enacted by the Legislative Assembly of the State of Montana:

Board of County Commissioners, power to offer rewards for apprehension of criminals.

Section I. The Board of County Commissioners of each County has the power to offer rewards for the apprehension and conviction of any person or persons who have committed any felony within their respective counties. Said reward shall not exceed the sum of five Hundred dollars for the apprehension and conviction of the party or parties guilty of a felony, and the reward shall not be paid in any case until a conviction has first been had in said case. All rewards shall be paid by warrants drawn on the general fund of the county. In no case shall the members of the Board of County Commissioners, sheriff, or other county officer receiving an annual or monthly salary, be entitled to any part of any such reward.

Limit of amount of reward.

How paid. Commissioners or Sheriff not to receive any part of reward.

Except in counties of the first class, Board may employ a stock inspector.

Section II. The Board of County Commissioners of each County, except in Counties of the first class, has the power, to employ a stock inspector whenever the Board is satisfied from its own knowledge, or from facts and circumstances submitted to it by the County Attorney or sheriff, that livestock are being stolen, slaughtered, or otherwise disposed of contrary to law in such county, and in such manner that the public officers of the county are not in position to apprehend the criminals or obtain the necessary evidence upon which to base a prosecution. Whenever such a stock Inspector is so employed, the employment shall be only for the case or cases then under investigation, and his compensation shall be at the rate of not to exceed the sum of seven dollars

Employment to be confined to cases under investigation.

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Compensation.

and fifty cents per day, and necessary expenses for the time actually engaged in such work, and he shall be paid by a warrant on the general fund of the county, and during the existance of such appointment he shall be vested with the same police power and authority as the sheriff, within the limitation of the purposes for which he is appointed.

Powers and authority of inspector employed.

Whenever a Stock Inspector is so employed in the investigation of a crime, and a reward has been offered under Section One of this Act for the apprehension and conviction of the party or parties guilty of such crime, such Inspector shall not be entitled to any part of said reward.

Not entitled to any part of reward.

Section III. The proceedings and meetings of the Board of County Commissioners relating to the employment of a Stock Inspector shall not be made public until after the investigation of the crime or crimes by said Inspector is completed, and any officer who divulges the name of the Stock Inspector employed, or the purpose of his employment during such period shall be guilty of a misdemeanor.

Proceedings relating to employment of inspector to be kept secret.

Misdemeanor.

Section IV. The Board of County Commissioners has the power, except in Counties of the First Class, whenever in its judgment, the ends of justice or the interests of the County, require it, to employ, or authorize the County Attorney to employ, special counsel to assist in the prosecution of any criminal case pending in such county, or to represent said county in any civil action in which such county is a party.

When Board may employ special counsel.

Section V. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VI. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

CHAPTER 62.

An Act to Amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of Children from any Orphans' Home or Asylum."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3772 amended.

Section 1. Section 3772 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

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Orphans' Home.

A majority of the trustees may consent to the adoption of any orphan or abandoned child, when.

What consent to contain.

When consent is to be filed.

Proviso.

Section 3772. A majority of the Board of Trustees of any Orphans' Home or Asylum in this State are hereby authorized and empowered to consent to the adoption of any orphan child or child abandoned by its parents by filing their written consent to such adoption, wherein shall be stated that they believe it to be for the best interest of such child that it be adopted by the person or persons making application therefor, which said written consent shall be duly proved or acknowledged by a majority of such Board of Trustees according to Section 4656 and 4657 of the Revised Codes of Montana of 1907, which said written consent shall be filed with the district court at the time of the application for adoption; provided, that such orphan child, or child abandoned by its parents, shall have been in the charge and under the management of said Board of Trustees of such Orphans' Home or Asylum for a period of one year prior to such adoption and during the time Supported wholly, or to the amount of 40%, at the expense of such Home or Asylum.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1909.

CHAPTER 63.

An Act to provide for the Issue and Sale, by the State Board of Examiners, of Bonds for the Purpose of Erecting Wings to the State Capitol Building; and to provide for the Erection of said Wings under the Authority and Direction of the State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

State Capitol.

State Board of Examiners may sell bonds to erect wings to capitol building.

Section 1. That State Board of Examiners of the State of Montana are hereby authorized to issue and dispose of bonds for the purpose of erecting wings at the east and west ends of the State Capitol Building, at Helena, Montana, under the following conditions and restrictions, to-wit:

First: The aggregate amount of bonds authorized by this

Aggregate amount of the bonds.

Act shall not exceed the sum of five hundred thousand dollars.

$1000 each.

Second: The denomination of each bond shall be one thousand dollars.

Term of bonds.

Third: The term of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date, at the option of the State Board of Examiners.

Rate of interest.

Fourth: The bonds may bear any rate of interest not in excess of five per cent per annum, and the interest may be payable semi-annually.

Bonds payable when.

Five: The principal and interest shall be payable at the office of the State Treasurer, at Helena, Montana.

Form of bonds.

Sixth: The State Board of Examiners shall prescribe the form of the bond, and the bonds shall bear upon their face the words, "Second Issue Capitol Building Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Coupons.

Seventh: The coupons representing the interest on the bonds shall have lithographic fac similie signatures of the members of the State Board of Examiners affixed thereon.

Disposition of bonds.

Section II. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interest of the State, provided that no bond shall be disposed of for less than its par value.

Funds out of which bonds shall be paid.

Section III. The principal and interest of the bonds authorized by this Act shall be paid out of the special fund provided for by Section 1240, Revised Codes of Montana of 1907, designated as the "Capitol Building Interest and Sinking Fund," and from said "Capitol Building Interest and Sinking Fund" there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided, that it is the duty of the State Board of Land Commissioners, whenever there are any funds in the said "Capitol Building Interest and Sinking Fund," over and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest on the bonds

State Board of Land Commissioners.

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issued pursuant to Section 1238, of the Revised Codes of Montana of 1907, known as the "Capitol Building Bonds of the State of Montana," and the interest on the bonds provided for by this Act, to invest such access funds in the manner set forth and provided in Section 1241, of the Revised Codes of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued pursuant to Section 1238, of the Revised Codes, and the bonds issued pursuant to this Act; but all interest or profit derived from the investment shall be paid into the "State Capitol Building Interest and Sinking Fund," and the principal and interest of the bonds issued pursuant to Section 1238, Revised Codes, shall be a first lien upon said funds and the lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol, and the principal and interest of the bonds authorized by this Act shall be a second lien upon said funds and all lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol.

Investment of permanent fund.

Bonds to be a lien upon the Capitol Building Interest and Sinking Fund and the State Capitol lands.

Section IV. It is hereby provided and set forth that in the event the State of Montana shall at any time provide and pay the interest, or any part thereof, on the bonds authorized by this Act from the General Fund of the State, or by any special appropriation made, or taxies levied therefor, then for any and all interest so paid the State shall be reimbursed from the said "Capitol Building and Interest and Sinking Fund" by the payment of the amount so paid or due whenever there is sufficient money in said "Capitol Building Interest and Sinking Fund" to pay the same, after paying the principal and interest due on the bonds issued pursuant to Section 1238 of the Revised Codes of Montana of 1907.

State to be reimbursed from the Capitol Building and Interest Fund for any interest advanced by it, when.

Section V. The State Treasurer is hereby designated as the custodian of the funds provided by this Act, and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due, and charge the amount thereof to the "Capitol Building Interest and Sinking Fund" hereinbefore referred to.

State Treasurer to be custodian of fund and to pay warrants and interest.

Section VI. Whenever any bonds authorized by this Act

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When bonds due can be called in and paid.

shall become due and payable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Cost of issuing bonds, how paid.

Section VII. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof, or be chargeable to the expenses of the construction of said wings to the Capitol Building.

Warrants to pay interest.

Section VIII. In the event there shall not at any time be sufficient money in the "Capitol Building Interest and Sinking Fund" to pay the interest when due, the State Board of Examiners shall, by an order entered on their minutes or record books, cause warrants to be issued on the said "Capitol Building Interest and Sinking Fund" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State and shall bear interest at the rate of five per cent per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after paying the interest on the bonds issued pursuant to Section 1238 of the Revised Codes, and by reason of the delivery of said warrants to the holders of said bonds, and the surrender of the said interest coupons, there shall be no default in the payment of interest.

Rate of interest warrants shall bear.

When the warrants shall be paid.

Liability of the State.

Section IX. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized, or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting buildings at the State Capitol, and such liens shall not be abridged or set aside until the bonds authorized by this Act shall have been fully paid, together with interest thereon, and the Governor is hereby especially authorized and empowered to use all lawful means to enforce the provisions of this Act.

Lien shall not be abridged.

Money received from sale of bonds.

Section X. All moneys received from the sale of the bonds authorized by this Act shall be paid to the State Treasurer, and shall constitute a special fund for the erection of said wings to the State Capitol Building, and shall be disbursed by the State Treasurer on warrants properly drawn

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by the State Auditor, pursuant to the order of the State Board of Examiners.

State Board of Examiners to erect the wings.

Section XI. Upon the sale of the bonds authorized by this Act it shall be the duty of the State Board of Examiners to secure the erection and completion of wings at the east and west ends of the State Capitol Building. In furtherance of this purpose said board shall procure plans and specifications in such manner as the Board shall direct, under proper and safe conditions. The architect whose plan is selected as the plan for said wings must be required to furnish full and complete specifications for the erection and heating, lighting and plumbing of the same, with full and complete full-sized drawings and details and working plans so that any capable architect may take the plans, drawings and specifications submitted and erect said wings in accordance therewith. The Board may employ, with the consent of the designing architect, any skilled and reputable architect as supervising architect of said wings, if in its judgment the best interests of the State would be subserved thereby.

Plans and specifications, what to contain.

Architects.

Compensation to architect for accepted plans.

Section XII. The architect whose plan is selected by the Board shall receive such compensation as the board shall deem reasonable. He shall prepare all plans, specifications and details for all contracts for construction and material for said wings, and if employed by the Board to superintend the construction of said wings he shall see that all material furnished and work done shall be of the best quality, and that all contracts with the said Board are faithfully performed by the parties contracting with said Board for work or material. He shall perform all other duties devolving upon him as supervising architect and may be removed at the pleasure of said Board. Neither said architect, nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said wings, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish bond to the State of Montana in the sum of fifteen thousand dollars, with a fidelity company authorized to do business under the laws of this State, as surety, condition for the faithful performance by said

Duties of superintending architect.

Superintending architect and subordinates are forbidden having any interest in any work done, materials furnished or contract therefor.

Bond of architect.

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Superintendents and contractors must be residents.

architect, his assistants and subordinates of his and their duties as herein prescribed, provided that the superintendents and contractors shall be residents of the State of Montana.

Appointment and duties of superintendent of construction.

Section XIII. The Board may appoint a specially qualified person to act as superintendent of the construction of said wings. It shall be his duty to see that all contracts made with the board are faithfully performed, that all material furnished and the work done shall be as required by law or the contract therefor, that all duties imposed upon the architect are faithfully performed by him and his subordinates and that no provisions of this Act are violated. To report to the board any violation of this Act or of any contract or of any duty by any architect, contractor or employee of said Board, and to do such other duties as may be required of him by the Board. Said superintendent shall receive as his compensation such sum as the Board shall deem reasonable, not exceeding eight dollars per day for each and every day he is actually engaged in the performance of his duties. He shall be removed at the pleasure of the Board.

Compensation of superintendent.

Discharge.

Materials.

Limit of costs of the two wings.

Section XIV. The Board shall procure all material used in the construction of said building from the products of the State of Montana, provided the same is produced in the State of Montana and can be procured as cheaply therein as material of like kind and quality can be procured elsewhere, and, provided, further, that the total cost of the erection and furnishing of said wings, including steam heating apparatus and other fixtures shall not exceed the sum of five hundred thousand dollars, and the Board shall at all times have this object in view, and all plans accepted, and all contracts awarded, shall be accepted and awarded only after the Board shall be satisfied that the cost of the wings, when they shall be completed and furnished, shall not exceed said sum.

Time of completion of the wings.

Section XV. The entire construction and furnishing of said wings shall be completed by the first day of January 1911; provided that the bonds provided for in this Act shall have been sold in time to enable the commencement of work so as to complete the wings by that date.

Disbursements, claims, bills and demands.

Section XVI. All disbursements on account of the erection of said wings shall be made pursuant to the orders of said

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Board. All claims, bills and demands for labor performed or material furnished shall be presented to the Board in duplicate, and shall be fully itemized, and shall be passed upon by said Board only at regular sessions thereof and after careful examination of every item named. If found correct they shall audit the same, preserving one duplicate and transmitting the other to the State Auditor, with directions to the State Auditor to draw his warrant on the special fund for the erection of the wings to the State Capitol Building for the amount allowed and to the order of the person named in said order; provided, that no order shall be issued by the State Board of Examiners in excess of the amount received from the sale of the bonds authorized by this Act.

Section XVII. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 64.

An Act to create a Board of Examiners for Examining Applicants for the Position of Coal Mine Inspector of the State of Montana and Prescribe the Qualifications of Applicants, and Prescribing the Rights and Duties and fixing the Compensation of such Board of Examiners, and the Manner of Appointing said Coal Mine Inspector of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION I.

Coal Mine Inspector. Board of Examiners to examine.

From and after a period of two months, subsequent to the date of the passage and approval of this Act, the Governor shall upon the recommendation of the Coal Miners of this State, appoint one practical coal miner actively employed in Coal mining in the State of Montana, and one Mine Manager, or Superintendent, who shall be recommended to the Governor by the majority of the Coal Mine Operators of the State of Montana and one practical Coal Mining Engineer; the three so named by the Governor shall constitute a Board of Examiners to pass upon the qualification of applicants for Coal Mine Inspector of the State of Montana.

How appointed.

Applicants for position of, to be examined by Board of Examiners.

SECTION II.

It shall be the duty of the said Board to examine into the qualifications of all applicants for appointment to the position of Coal Mine Inspector of the State of Montana, by conducting a thorough examination as to the knowledge of Mine working, ventilation, gases, fire damp, machinery, and actual experience in the underground coal mining, and to acquaint themselves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing and manuscript and other papers of all applicants, together with the tally sheets and the solution of each question as given by the Examining Board shall be filed with the Secretary of the State as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases, and safety lamps. All candidates shall be allowed the use of such text books as are proper during the Examination. The Board of Examiners shall confine the examination, of applicants, to questions as designated in Section 2, of this Act. No person shall be certified as competent whose average percentage shall be less than 75 per centum, and certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the Examining Board, Examining Board shall immediately after the examination, furnish to each person who came before it to be examined a copy of all questions, whether oral or written which were given at the examination on printed slips of paper, and to be marked, solved right, imperfect or wrong, as the case may be, together with the certificate of competency to each candidate who shall have made at least 75 per centum.

Examination to be in writing.

Oral as to certain things.

What certificate shall show.

Certificate to be issued to whom.

SECTION III.

Applications for examination for Coal Mine Inspector to said Board must be made in writing and accompanied by an affidavit showing that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty years; has had at least ten years experience in underground coal mining in the United States and at least one years experience in underground coal mining in the State of Montana.

Applications to be in writing accompanied by affidavit.

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SECTION IV.

Names of successful candidates to be filed with Governor.

The Board of Examiners shall file with the Governor the names of all persons who shall have successfully passed the examination. From those so named the Governor shall select one person to be state coal mine inspector, provided that any one who has served capably as State Coal Mine Inspector for one full term upon making written application to the Board setting forth these facts, shall be certified to the Governor as properly qualified for appointment but no man shall be eligible for the appointment as State Coal Mine Inspector who has any pecuniary interest in any coal mine either as owner or employer.

Mine owners not to be appointed.

SECTION V.

Vacancies to be filled by appointment by the Governor.

As often as vacancies occur in the office of Coal Mine Inspector caused either by death, resignation, or removal for malfeasance or as provided for in Section 12, of this Act creating the office of Coal Mine Inspector, or as otherwise determined as with other officers of the State.

The Governor shall fill the same by appointment for the unexpired term by selecting a person whose name is on file in his office as provided for in Section 4 of this Act.

SECTION VI.

First meeting of the Board of Examiners.

The Board of Examiners first appointed under the provisions of this Act shall meet in the city of Helena, in the office of the State Coal Mine Inspector on the 20th day of June, 1909, at which time and place they shall proceed to organize themselves and shall take the following oath of office before some person duly authorized by law to administer an oath, "We do solemnly swear (or affirm) that we will perform the duties, devolving upon us to the best of our ability, and that in rejecting or recommending applicants for the position of Coal Mine Inspector of the State of Montana, we will be governed by the evidence of qualification to fill the position under the law creating the same, and not by any consideration of political affiliation or personal favors; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the Act and none other, to the best of our knowledge and judgment."

Oath of office.

The second meeting of said Board for the purpose of exam-

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ining applicants for the position of State Coal Mine Inspector shall be held on the second Monday in January, 1911, in the city of Helena, at the State Capitol in the office of the State Coal Mine Inspector, and on the second Monday in January every two years thereafter. The Secretary of State shall furnish whatever blanks, blank books, printing or stationery the board may require in the discharge of its duties. Public notice shall be given by the Board of Examiners, through the posting of notices in the Post Office in the several coal mining towns throughout the State at least fifteen days previous to the date of examination, and by publication in at least two daily papers published in the city of Helena, for ten consecutive days previous to the holding of the examination.

Second meeting of Board of Examiners.

Biennial meetings. Secretary of State to furnish blanks, books and stationery. Notice of examination.

SECTION VII.

The Board shall then proceed to the examination of those who may present themselves as candidates for said office, and who shall have complied with the requirements necessary to entitle such applicant to be examined as provided for in Section 3 of this Act, and after a thorough examination as to knowledge and qualification of said applicants then, the said Board of Examiners, shall certify to the Governor the names of all such applicants, who have passed the required examination for the position of Coal Mine Inspector as required under the provisions of the Law.

At the time and place named the board shall hold the examination.

Shall certify to the Governor the names of those successfully passing examination.

SECTION VIII.

The Board of Examiners shall receive Six Dollars ($6.00) per diem for the time actually engaged in the performance of the duties imposed upon them in this Act and their actual expenses, such compensation to be paid out of the general fund in the manner provided by law.

Compensation and expenses of Board.

SECTION IX.

The Governor shall, from the name certified to by the said Board of Examiners, appoint a Coal Mine Inspector for the State of Montana, who shall hold the office for the period of time as required by the law creating such office.

Governor shall appoint Inspector from names certified by the board.

SECTION X.

Four years after January 1, 1909, and every four years thereafter, the Governor shall appoint a Board of Examiners

Board to be appointed every four years.

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to pass upon the qualification of applicants for Coal Mine Inspector, which shall be constituted, sworn and paid and shall perform the same duties as the Board provided for in Section one (1) of this Act, during the term for which they were appointed and from the names certified to by them the Governor shall appoint a Coal Mine Inspector for the State of Montana, as herein provided for.

Duties of each board.

SECTION XI.

Nothing in this Act shall be construed as preventing the re-appointment of any Coal Mine Inspector, who shall have successfully passed the required examination and qualified as hereinbefore provided for.

Coal Mine Inspector may be appointed, when.

SECTION XII.

Each successive Board of Examiners shall have the power to adopt their own rules for examination as will best serve the purposes of this Act; Said rules not to conflict with the manner of examination as prescribed in Section Two (2) of this Act.

Board may adopt rules.

SECTION XIII.

Vacancies upon the said Board of Examiners shall be filled by the Governor.

Vacancies in the board.

SECTION XIV.

Sufficient money to defray the expense of the Board is hereby appropriated.

Appropriation.

SECTION XV.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION XVI.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1909.

CHAPTER 65.

"An Act to Establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to Provide for the Maintenance thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there shall be established and conducted

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Legislative Reference Bureau.

Objects.

in connection with the Historical and Miscellaneous Department of the State Library a Legislative Reference Bureau. The object of said Bureau shall be to gather and make available such information as shall aid the members of the Legislature in the discharge of their duties, and to render assistance in the drafting of bills. The material collected shall consist in part of indices to bills of previous Montana Legislatures; information as to what legislation has been enacted upon important subjects in other states, the opinion of experts in regards to various phases of important legislation and legal data as to the constitutionality and interpretation of laws.

Salary of second assistant librarian.

Section 2. To carry out the provisions of this act the Librarian of the Historical and Miscellaneous Department of the State Library is hereby authorized and empowered to employ his second assistant as a clerk for such purpose and to increase his present salary from $900.00 per year to $1200.00 per year.

Appropriation.

Section 3. There is hereby appropriated out of the general fund of the State Treasury the additional sum of three hundred dollars ($300.00) per year, payable semi-annually for the purpose of purchasing material for any general maintenance of the Legislative Reference Bureau.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 66.

"An Act to Amend Section 7891 of the Revised Codes of Montana of 1907, Relating to Witnesses."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 7891 amended.

Section 1. That Section 7891 of the Revised Codes of Montana of 1907 (Section 3162 of the Code of Civil Procedure of 1895), be amended so as to read as follows:

Witnesses, who cannot be.

Section 7891. The following persons cannot be witnesses:

Persons of unsound mind.

1. Those who are of unsound mind at the time of their production for examination.

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Children under ten years of age.

2. Children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

Parties or assignors in actions upon claims against estates.

3. Parties or assignors of parties to an action or proceeding or persons in whose behalf an action or proceeding is prosecuted against an executor or administrator upon a claim or demand against the estate of a deceased person, as to the facts of direct transactions or oral communications between the proposed witness and the deceased, excepting when the executor or administrator first introduces evidence thereof, or when it appears to the court that without the testimony of the witness, injustice will be done.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1909.

CHAPTER 67.

An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Certain employees of coal mines to be insured.

Section 1. All workmen, laborers and employees employed in and around any coal mines, or in and around any coal washers in which coal is treated, except office employees, superintendents and general managers, shall be insured in accordance with the provisions of this Act, against accidents occuring in the course of their occupations.

Insurance fund, to consist of what.

Section 2. All corporations, partnerships, associations or persons engaged in the business of operating any coal mine or coal washers in the State of Montana shall pay to the Auditor of the State, within five days after the monthly wages at the particular mine shall have been paid, one cent per ton on the tonnage of coal mined and shipped, or sold

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locally, or having been mined is ready for shipment or sale during the month for which the wages were paid; and all persons mentioned in Section 1 employed in and about coal mines shall allow to be deducted from their gross monthly earnings one per cent thereof, the deduction to be made by the agent, manager, or foreman of any corporation, association, partnership, person or persons engaged in the business of operating any coal mine or coal washer, and paid to the State Auditor within five days after such monthly wages have been paid.

Reports to be made to State Auditor by agents, managers and accountants.

Section 3. The agent, manager, foreman or accountant of any corporation, partnership, association, person or persons engaged in mining coal in Montana, shall on or before the fifth day succeeding the pay day at his respective mine, make report under oath to the State Auditor as to the tonnage mined and subject to the payment of one cent per ton thereon; and stating the gross earnings subject to the one percent deduction as provided in this Act, accompanied by a certified check in full for the amount of the tax provided in Section 2 of this Act. It shall be unlawful for any person, employer, employee, corporation, partnership, association or union to make any contract waiving, avoiding or affecting the full legal effect of this Act.

What reports shall contain.

Contracts not to be made to avoid effect of Act.

State Auditor, duties of.

Section 4. It is hereby made the duty of the State Auditor to receive all moneys as provided for in this Act, and to send the proper acknowledgement to the person making such remittance. The Auditor shall pay all moneys so received by him to the State Treasurer, who shall keep such sums in safe custody in a distinct fund to be known as the Employers and Employees Co-operative Insurance and Total Permanent Disability Fund. The State Treasurer must invest the surplus of this fund in safe and convertible State, County or City bonds, or bonds of the United States. All interest accruing from such investments shall be accredited to this insurance fund. The bond of the State Treasurer shall be liable for such funds, and it shall be his duty to keep accurate accounts of the receipts and disbursements of such money.

Duties of State Treasurer.

Auditor to keep full statistics.

Section 5. The Auditor of State shall keep full statistics of the operation of this function of his department in the

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event of death by accident, of an employee insured under this act, who shall have come to his death in the course of his employment and by causes arising therein. The Auditor of State upon being satisfied by adequate evidence of such death shall issue a warrant upon the State Treasurer to persons dependent upon the deceased, these warrants to issue in the following order: (1.) To surviving wife and child, or children, in equal shares, and if neither wife or child, or children be alive, then (2.) to surviving parents who are dependent, or partially so, upon the deceased; if none, then (3.) to such other relative of the deceased as survive him and are dependent upon him, in the sum of Three Thousand ($3000.00) Dollars.

Warrants upon fund, when and how issued and to whom made payable.

A workman receiving injuries which permantly incapacitate him from the performance of work shall receive a compensation monthly, not to exceed One Dollar ($1.00) a day for each working day. Compensation for permanent injury shall not be allowed until after the expiration of twelve weeks from the time such injuries were sustained, provided that the medical practitioner examines and pronounces the injury as being permanent, compensation may then be allowed from commencement of disability. The Auditor of State, however, may, when in his judgment he deems it advisable, use so much of the funds as is necessary in the procuring of a medical practitioner, for the purpose of examination or treatment under this Act, for such injuries as herein mentioned compensation shall continue during disability, or until settlement is affected as provided for in Section 9 of this Act. Total or permanent disability shall consist of the loss of both legs or both arms, the total loss of eye sight or paralysis, or other conditions incapacitating him from work, caused by accident, or injuries received during employment as specified by this Act; provided, that if death, as a result of the injury, ensues at a period not longer than one year from date of accident the sum of Three Thousand Dollars ($3000.00) shall be paid the deceased workman's dependents as hereinbefore provided. The representatives of a foreigner, except the widow or dependent children, who were not living within the country at the time of the accident, shall have no claim for the compen-

Workmen receiving permanent injuries. compensation.

Medical re-examination.

Duration of compensation.

Total or permanent disability defined.

Death within one year.

Representatives of non-resident foreigners not entitled to insurance money except widows and children.

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sation provided for in this Act. Such foreign person shall file their foreign address, if married, with the office of their employer with whom they are employed and duplicate thereof with the State Auditor, giving their wife's name and dependent children, and such other identification as may be required by the Auditor of State.

Loss of limb or eye.

Loss of any limb, or eye, caused by accident to a workman while employed as provided for in this Act, shall be compensated for in the sum of One Thousand ($1000.00) Dollars, provided, that in the event there shall be no funds available in the fund to pay the Auditor's warrant when drawn the same shall draw interest out of the fund at the rate of ten percent per annum until such warrant is called for payment by the Treasurer which shall be as soon as the fund is sufficient to pay the same with its interest then due.

When no money in fund.

Application for monthly allowance.

Section 6. Where a workman is entitled to monthly payments under this Act, he shall file with the Auditor of State his application for such, together with a certificate from the County physician of the County wherein he resides, attested before a Notary Public.

Investigation of fraudulent claims.

Section 7. If any person or persons company or corporation who is then paying into this insurance fund shall believe that any person or persons are obtaining, or having made application to obtain benefits hereunder improperly or fraudulently, and shall file his written request that such person's claim be investigated, the State Auditor must, upon the receipt of such request request the Secretary of the State Board of Health to make an examination for the purpose of this Act and his certificate as to the condition of the person or persons with reference to their rights to benefit under this Act shall be conclusive evidence as to his condition.

Refusal to submit to examination by Secretary of board of health.

Section 8. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation under this Act shall be suspended until such examination takes place, and shall absolutely cease unless he submits himself for an examination within one month after being required to do so.

Settlement of monthly allowances in lump sum.

Section 9. When any monthly payment has been made to a workman for any period whatever, the liability under

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this Act, may on the application by, or on behalf of the workman, be redeemed by the payment of a lump sum, which in no instance shall be in excess of the amount specified as death indemnity, and all monthly payments made prior shall be deducted from such settlement.

Annual report of State Auditor to the Governor.

Section 10. The Auditor of State shall report in January of each year to the Governor of the experience and business of this function of his department, and shall have plenary power to determine all disputed cases which may arise in its administration not herein provided for, and to recommend in his report the rates or premium necessary in order to preserve such fund, and shall order paid such indemnification as herein provided. He shall have power to define the insurance provisions of this Act by regulations not inconsistent therewith and shall prescribe the character of the monthly or other reports required of the parties liable hereunder and the character of the proofs of deaths, or to total permanent disability, and shall have power to make all other orders and rules necessary to carry out the true intent of this Act.

Other powers and duties of State Auditor.

Rules and regulations of State Auditor.

Insurance money exempt from execution.

Section 11. No money paid or payable in respect of insurance or monthly compensation under this Act shall be capable of being assigned, charged, taken into execution, or attached, nor shall the same pass to any other person by operation of law; and the acceptance of pecuniary benefit under the provisions of this Act shall operate to release the person or persons, corporation, partnerships, or associations causing such injuries or death for which benefits are so claimed, who shall have paid the assessment provided in Section 2 of this Act, and also the employer, officers and agents thereof from all liability and claim arising from such injuries or death. The commencement of a suit to recover for such injuries or death shall operate as a forfeiture of the right to benefit under this Act.

Acceptance of benefits under this Act shall relieve the liability of the employer, etc.

Violations of the intent of this Act.

Section 12. A manager, agent, foreman, accountant, person or persons who represent any corporation, partnership, association, person or persons, engaged in the mining or managing of any coal mines or coal washers in Montana, or person or persons liable for the payments herein provided for who shall violate the intent of this Act by inaccurate reports of tonnage of

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coal produced by them, or the earnings of employees in their employ, or who in any manner hinders or obstructs the Auditor of State in accertaining facts bearing upon any case provided for in this Act or who may refuse correctly to make out such reports as are required by this Act, or as requested by the Auditor of State, or submit to its provisions, when liable therefor, or who shall fradulently obtain benefits hereunder shall be fined for each offense the sum of not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars and imprisonment in the County jail for a period of not less than one month nor more than six months, or by both such fine and imprisnment.

Penalty.

The proceeds of all fines shall be forwarded to the State Treasurer and by him credited to the Insurance Fund.

Section 13. This Act to be in full force and effect from and after the first day of October nineteen hundred and ten, benefits to commence four months thereafter.

Approved March 4, 1909.

CHAPTER 68.

"An Act providing for the furnishing and use of blank form books for the recording of stock subscribtions and contracts, and of articles of incorporation and stock certificates of water user's associations organized under the National reclamation Act, and prescribing the fees for such recording."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The county commissioners of each county where water user's associations, organized in conformity with the laws of the United States, under the reclamation act, have organized, or wherein such associations shall hereafter organize, are required to furnish the county recorder, for the proper recording of stock subscriptions and contracts, and of articles of incorporation and stock certificates of such companies, books to confirm to such articles of incorporation, stock certificates and contracts as are used by the secretary of such water user's associations, containing printed blank forms of such stock subscriptions and contracts, and articles of incor-

County Commissioners shall furnish County Recorder books for recording stock certificates, etc., of Water Users' Associations.

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poration and stock certificates, in accordance with the laws of the United States and of the State of Montana, such forms to be prepared by the attorney general and used by the county recorder for the recording of all such stock subscriptions, contracts, articles of incorporation and stock certificates.

Attorney General to prepare forms.

The county recorder shall charge fifty cents for recording each stock subscription, and contract, stock certificate and articles of incorporation.

Fee of County Clerk.

Section 2. That Chapter 68, Laws of 1905, and all acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 69.

An Act to provide for the appointment of Boards of Examiners for Applicants for certain Positions in and around coal mines, Prescribing their Duties and Term of Office, and providing for the salaries of such Boards.

Be it enacted by the Legislative Assembly of the State of Montana:

Sect. 1. On the petition of the State coal mine inspector the Judge of the District Court in any County where coal is mined shall appoint an Examining Board of three persons, consisting of the State Coal Mine Inspector, a Miner and an Operator or Superintendent, and the members of said Examining Board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized, take and subscribe before an officer authorized to administer the same, the following oath, namely: "We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for the position of mine foreman, mine examiner, or (fire boss), for the Coal Mines of Montana to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the posi-

District Court to appoint Board of Examiners to examine coal mine foremen, mine examiners or fire boss.

Qualifications of members of board.

Oath of office.

tions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other."

Examinations.

Section 2. The examination shall consist of oral and written questions, theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. During the progress of the examination, the use of text books shall be allowed applicants during the examination, and the Board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss: but such certificates shall be granted only to persons of twenty-three (23) years of age, or over, of good moral character, citizens of the United States and residents of the State of Montana, and with at least five years practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished, by the Board, and, each candidate for examination shall be given such questions, as are required, in writing and each question shall be on a separate paper.

Qualifications of applicants.

Board to furnish blank papers, books and stationery.

Answers and questions to be filed with County Recorder.

Candidates must return such papers to the Board, with answer to question thereon, attested by his signature. All question papers and answers shall be filed in the office of the County Clerk and Recorder, in and for the County where such examinations are held, and kept by him in some secure place, subject to examination at any time.

Certificates of qualification.

Section 3. Certificates of qualification to mine foreman in the coal mines of Montana, shall be granted to each applicant by the Board of Examiners herein provided for, who have passed a successful examination as to his knowledge of mine workings, ventilation, gases, fire damp, and as to his actual experience in under-ground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State Coal Mine Inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age and birthplace of applicant and also the length or nature of his previous service in coal mines.

Form and record of certificates.

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Evidence to be produced by applicants for examination.

Section 4. Persons seeking certificates of competency as Mine Examiners (or Fire Boss) must produce evidence satisfactory to the Board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years practical experience in the working of coal mines, at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit to and satisfactorily pass an examination as to their experience, in mines, generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp.

Meetings of examiners, and granting of certificates.

Section 5. The said Board of Examiners shall meet at the call of the State Coal Mine Inspector, and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified or mine examiner, or fire boss, and such certificate shall be sufficient evidence of the holders competency for the duties of said position so far as relates to the purpose of this Act; provided that any person who shall have been employed as Mine Foreman, continually for a period of one year preceeding the approval of this Act, by the same firm, person or corporation, shall, be granted a certificate without undergoing such examination, but he shall not be employed by any other person, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five per centum, and such certificate shall designate the position qualified for and shall be valid only when signed by a majority of the examining board.

Certificates to present foremen without examination.

Necessary average percentum to obtain certificates.

Certificates issued by other states.

Section 6. The board may exercise its discretion in issuing certificates of any class, without examination, to persons presenting with proper credentials, certificates issued by competent authorities in this or other states; provided, however, that for every such certificate issued, the Board shall charge a fee of Five Dollars ($5.00).

Fee.

Applicant shall register and file credentials.

Section 7. An applicant for examination for any certificate herein provided for, before being, examined, shall register his name with the State Coal Mine Inspector, and file

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Affidavit.

with him the credentials required by this Act, to-wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate, before receiving the examination, shall pay to the State Coal Mine Inspector the sum of Two ($2.00) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State Coal Mine Inspector the further sum of three ($3.00) dollars each as a certificate fee. All such fees shall be duly accounted for by the State Coal Mine Inspector and turned into the State Treasurer at the close of the fiscal year.

Fee for examination.

Certificate fee.

Compensation of members of board.

Section 8. The members of the Examining Board except the state Coal Mine Inspector shall receive as a compensation the sum of five ($5.00) dollars each day, for a term not exceeding five days in any year, and whatever sum is necessary to reimburse them for such traveling expensees as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the Board shall be paid upon vouchers duly sworn to by each member of the said board and approved and ordered by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrants on the State Treasurer for the amount thus shown to be due, payable out of any money in the State Treasury not otherwise appropriated.

Vouchers for salaries and expenses.

Payment.

Acting as foreman, mine examiner or "fire boss" without a certificate.

Section 9. (a). Any person who acts in the capacity of mine fore man, mine examiner or "fire boss" without a certificate of competency as provided for in this Act, shall be deemed guilty of any offense against this Act, and shall be liable to a penalty of not exceeding five dollars for every day during which he shall act in such capacity, provided, however, the State Coal Mine Inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or "fire boss" as provided for in this Act, who may be employed by any company, corporation, association, person or persns engaged in the operating of any coal mines in the State of Montana until such time as the

Penalty.

Temporary permit to act by State Coal Mine Inspector.

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person so employed has had an opportunity to be examined as to his competency by the Board of Examiners provided for in this Act, but no longer.

Misdemeanor to employ a foreman, examiner or fire boss without a certificate.

—(b). Every company, corporation, association, person or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, examiner or "fire boss," except as provided for in Section (5) of this Act shall be deemed guilty of a misdemeanor and shall be liable to a penalty not exceeding twenty-five dollars for every day which they so employ such uncertified mine foreman, mine examiner, or "fire boss." Provided, that in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of 30 days, without violating this Act or incurring any of its penalties.

Penalty.

Emergencies.

Section 10. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect after its passage and approval by the Governor.

Approved March 4, 1909.

CHAPTER 70.

An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of Statistics for the use of said Bureau, by Counties and by Chambers of Commerce, Commercial Bodies, Farmers Institutes, Co-operative Societies of Farmers, State Federated Trade Unions, and other industrial associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriations by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said Bureau.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The commissioner of the bureau of agriculture,

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Commissioner of the Bureau of Agriculture, Labor and Industry, reports of.

labor and industry shall prepare reports from the data, cuts and statistics on file in his office or submitted to him as hereinafter provided. Such reports shall furnish reliable information upon one or more of the following topics, to-wit:

Topics of reports.

Upon the agricultural, commercial, mining, manufacturing, labor or other industrial resources of the state, or upon the educational and social interests or sanitary conditions of the people of the state.

Publication of reports.

Such reports shall be published in such form and quantity as in the judgment of the Commissioner may be deemed expedient and practicable. Reports so prepared by the commissioner, or prepared and delivered to him as hereinafter provided, shall be by him sent to such parts of the United States as in the opinion of the commissioner would secure the greatest benefit, considering the character of the information contained in the report. All reports sent out by the Commissioner shall bear a certificate thereon to the effect that the same are issued by authority of the state of Montana. The commissioner shall open correspondence with bureaus of emigration, boards of trade and other organizations in the United States who are willing to assist in disseminating information in regard to the climate, productive, commercial, industrial and labor resources of Montana. He shall also provide for a liberal distribution of such reports at state and country fairs throughout the United States, and at all expositions of a National character. To secure the distribution by the bureau of local advertising matter in the manner hereinafter provided, the manuscripts of all reports, pamphlets, and statistics so compiled must be submitted to the commissioner and approved by him.

Distribution.

Certificate.

Distribution at state and county fairs throughout the United States.

Annual itemized statement of accounts.

Section 2. The commissioner shall annually, on the 30th day of November, submit a complete itemized account to the Governor, showing all the business of the bureau for the year, and all expenditures made during such period.

Assistant clerk and his salary.

Section 3. The commissioner shall have authority to appoint, in addition to the chief clerk now provided for by law, an assistant clerk at a salary of eighteen hundred dollars per annum, to be paid in the same manner as other salaries are paid.

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Appropriation.

Section 4. There shall be appropriated for the purposes of paying the expenses incurred under this Act the sum of five thousand dollars for the year 1909 and five thousand dollars for the year 1910.

County Commissioners of each county may make appropriations for advertising resources of county.

Section 5. The board of county commissioners of any county of the state, upon receiving a petition signed by at least fifty resident freehold taxpayers, whose names appear on the last assessment books of the county, is authorized to make an appropriation, as hereinafter provided, from the General Fund of the county for the purpose of advertising the agricultural, commercial, mining, manufacturing, labor or other industrial resources of the county. Said petition shall specifically state the class or classes of industries of said county that the petitioners desire to advertise, and the appropriation shall be limited to the purposes stated in the petition.

Petitions for, what to state.

Said appropriations shall not exceed the following amounts, to-wit:

Limit of county appropriations.

In counties of the first class, fifteen hundred dollars; Counties of the second class, thirteen hundred dollars; Counties of the third class, one thousand dollars; and all counties below the third class, eight hundred dollars.

County Commissioners may appoint a compiler and gatherer of data and statistics and print same.

Section 6. The board of county commissioners of counties where appropriations have been made in accordance with Section 5 of this Act, may appoint some suitable person to gather data and statistics, and compile and have printed pamphlets or folders of the size and character provided for in section one of this Act. When so prepared, said pamphlets or folders may be sent to the commissioner of agriculture, labor and industry for the purpose of distribution by him in the manner provided for in section one of this Act, and it shall be his duty to so distribute the same, provided he gives his approval thereof, as required by section one of this Act.

Distribution of the pamphlets.

Certain institutions and societies may furnish advertising matter to be distributed by the Bureau.

Section 7. Chambers of commerce, commercial clubs, farmers institutes, co-operative societies of farmers, state federated trade unions, and other industrial associations of promotive character are hereby authorized to furnish to the commissioner of the bureau of agriculture, labor and industry, pamphlets or folders of the size and character mentioned in

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section one of this Act, for the purpose of distribution by him in the manner provided for in section one of this Act, and it shall be his duty to so distribute the same; provided he gives his approval thereof, as required by section one of this Act, and provided, further, that the commissioner of said bureau may require the society or association submitting matter for distribution to furnish the funds necessary to pay postage or express charges for distributing the same.

Duty to distribute same.

Expenses of distribution.

Section 8. Counties, and the societies provided for in Section 7 of this Act, in sending matter to the said bureau for distribution may designate any specific locality, city or society to which they desire the same sent, otherwise the same shall be distributed by the commissioner in the manner provided in section one of this Act.

Counties and societies may designate any specific localities, cities, or societies to which matter is to be sent.

Section 9. The bureau of agriculture, labor and industry shall not be used by any country, society, association, person or corporation to aid or further the importation of alien labor or laborers of any kind to work during industrial disputes between employer and employee, and nothing in this Act shall be construed to permit, encourage or allow the importation of any laborers or employees under contract at any time.

When Bureau shall not be used to furnish or import alien labor.

Contract labor.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 71.

An Act to amend Sections 1711 and 1712, of the Revised Codes of Montana of 1907, Relating to the Salary of the Inspector and Deputy Inspector of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1711, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Revised Codes of 1907. Section 1711 amended.

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Inspector of Mines. Appointment of. Qualifications.

Section 1711. The governor, by and with the advice and consent of the Senate must appoint an Inspector of Mines, who shall be at least thirty years of age, a resident of Montana at least one year, who shall be theoretically and practically acquainted with mines and mining in all its branches, and he shall hold his office for four years unless sooner removed by the governor. No person shall hold the position of Inspector of Mines while an employee or officer of any mining company or corporation. The Inspector of Mines must devote his entire time to the duties of his office, and his salary is two thousand five hundred dollars per annum.

Term of office.

Salary.

Revised Codes of 1907. Section 1712 amended.

Section 2. That Section 1712, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Deputy Inspector of Mines. Appointment, qualifications and term of office.

Section 1712. The governor by and with the consent of the Senate must appoint a Deputy Inspector of Mines who shall possess like qualifications to those required of the Inspector of Mines, who shall hold his office for four years unless sooner removed by the governor. No person shall hold the office of Deputy Inspector of Mines while an employee or officer of any Mining Company or Corporation. The Deputy Inspector of Mines must devote his entire time to the duties of his office under supervision and direction of the Inspector of Mines, and his annual salary is one thousand eight hundred dollars, per annum.

Salary.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after the second day of March, A. D. 1909.

Approved March 4, 1909.

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CHAPTER 72.

An Act to Amend Section 1794, of the Revised Codes of Montana of 1907, Relating to the Exhibiting of Hides of Slaughtered Cattle, by Prohibiting the Slaughtering of Cattle on the Public Range, and Providing that they shall be Slaughtered only on the Premises Owned or Occupied by the Person Slaughtering the Same or on which he has Received a Permit so to do.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1794 amended.

Section I. That Section 1794, of the Revised Codes of Montana of 1907, be, and the same is, hereby amended to read as follows:

Hides of slaughtered cattle to be kept ten days and exhibited for examination on demand.

Must not be slaughtered on public range except when.

Slaughtered only by persons on their own premises or by permission of owner.

Misdemeanor.

Section 1794. All persons slaughtering cattle must keep the hides, with the ears attached, for ten days, and persons having such hides in their possession must exhibit the same for examination, upon demand being made by any person. No person, whether the owner thereof or not, shall slaughter any cattle upon the public range of this state unless he is at such time a member, or an employe of a member, of an organized roundup of cattlemen, and then only for the immediate consumption by the persons engaged in such roundup. Persons, except as provided in this Section, shall slaughter cattle only upon the premises owned or occupied by them, or on which they have therefore been granted a written permit so to do by the owner or person occupying the premises. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Section II. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section III. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 4, 1909.

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CHAPTER 73.

An Act relating to the government, management, control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphan's Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264, of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of education, as now created by law, shall have power, and it shall be its duty:

Duties and powers of State Board of Education. General contracts of State institutions enumerated.

1. To have the general control and supervision of the University of Montana, Montana State Normal College, Agricultural College of Montana, state orphan's home, Montana state school of Mines, Montana school for the deaf and blind and state reform school.

2. To adopt rules and regulations, not inconsistent with the constitution and the laws of this state, for its own government and proper and necessary for the execution of the powers and duties conferred upon it by law.

To adopt rules and regulations for State educational institutions.

3. To provide, subject to the laws of the state, rules and regulations for the government of the affairs of the state educational institutions named in this section.

Text books.

4. To recommend to the legislature a uniform system of text-books to be used in the public schools of this state.

Diplomas.

5. To grant diplomas to the graduates of all state educational institutions, where diplomas are authorized or now granted, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons, other than graduates, upon the recommendation of the faculty of such institutions.

Honorary degrees.

Seal.

6. To adopt and use, in the authentication of its acts an official seal.

State and life diplomas.

7. To grant state diplomas valid for six years, and to grant life diplomas.

Records.

8. To keep a record of its proceedings.

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Annual reports.

9. To make an annual report on or before the first day of January in each year, which may be printed under the directions of the state board of examiners.

Appoint teachers as instructors in county institutes.

10. To appoint and commission experienced teachers as instructors in county institutes.

To have control of books, records and property of colleges and institutions named.

11. To have, when not otherwise provided by law, control of all books, records, buildings, grounds and other property of the institutions and colleges named in this section.

Appoint the president and faculty of various state institutions.

12. To choose and appoint a president and faculty for each of the various state institutions named herein, and to fix their compensation; provided, that the person selected and now acting as the head of any of said institutions, and performing the duties of the presiding officer or college president, whether designated as president, superintendent, director, or by any other title or designation, shall hereafter be known and designated as president of such institution, and such president, as well as the faculty of said institution, shall continue to hold their respective positions in accordance with the terms and conditions of their election or appointment.

Proviso.

May confer certain powers on executive board of each State institution named in this Act.

13. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers and employes as may be deemed expedient, and may confer upon the president and faculty such authority relative to the immediate control and management, other than financial, and the selection of teachers and employes as may by said board be deemed for the best interests of said institution.

Authority conferred on president and faculty.

Executive boards of institutions, how appointed.

Section 2. There shall be an executive board, consisting of three members, for each of said institutions, two of whom shall be appointed by the governor, by and with the advice and consent of the state board of education, and the president of such institution shall be ex-officio a member of said board and shall be the chairman thereof. At least two of said members shall reside in the county where such institution is located. Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the state board of education, subject, always, to the supervision and

Residence of executive boards.

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control of said state board.

Said executive boards shall also have and exercise power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries, or other expenses incurred in connection with such institution, provided, the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instances or for any single purpose does not exceed Two Hundred and Fifty Dollars. All vacancies occuring in the membership of any of said executive boards shall be filled by appointment by the governor, which appointments shall be referred to the state board of education at its first meeting thereafter for confirmation.

Powers of executive board.

Expenditures and contracts limited to $250.

Vacancies in executive board, to be filled how.

Section 3. The executive board of each of the institutions named in section one of this act shall appoint a secretary of said board, who may also act as treasurer of said board, and who may or may not be a member of said executive board, and such secretary and treasurer shall give bond, with good and sufficient surety, for the faithful performance of his duties as such, and for the faithful accounting for and paying over to, and for the use of, said college all moneys received by him as treasurer. Said bond shall run to the state of Montana and shall be in such sum as may be designated by the state board of examiners, and when executed shall be approved by said state board of examiners.

Secretary of executive board, may act as treasurer. Not to be member of board.

Bond.

Amount of bond.

Section 4. The treasurer of each executive board shall be the treasurer of the institution.

Treasurer of board the treasurer of the institution..

Section 5. The executive board of each of said institutions shall meet in regular session at least once in each quarter, and monthly, or oftener, if the business of such institution requires it.

Meetings of executive board.

Section VI. Each of such executive boards shall on or before the first Monday in June of each year make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers, professors and employes, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of such institution, which report shall contain such other information or recommendations as may be required by

Statements and reports and contents thereof.

Statements may be called for by State Board of Examiners or State Board of Education at any time.

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the state board of examiners or by the state board of education, and the state board of examiners or the state board of education shall have authority to call for a report and statement from such executive boards at any time such board may deem it advisable. All such reports by such executive boards shall be made in triplicate, one copy shall be retained by such executive board, one copy shall be filed with the state board of examiners and one copy with the state board of education.

Reports shall be in triplicate.

Duties of chairman and secretary of executive board.

Section VII. The duties of the chairman and secretaries of each of said executive boards shall be that usually performed by such officers, or which may be designated by the state board of education or the state board of examiners.

Matron for State Orphans' Home.

Section VIII. The state board of education shall have authority to employ, or to authorize the employment, of a matron for the state orphan's home.

Treasurer of executive board of the Agricultural College has authority to receive from State Treasurer certain United States apportionments.

Section IX. The treasurer of the executive board of the agricultural college of Montana shall have the authority to receive from the treasurer of the State of Montana the cash appropriation received from the United States by authority of the act of congress of August 30, 1890 (26 Statutes at Large, page 417), known as the second Morrill Act, and the act of congress March 4, 1907 (34 Statutes at Large, page 1281), known as the Nelson Amendment. And such cash appropriation shall be expended by the executive board of said agricultural college, under the general supervision of the state board of education, but only for the purposes for which the same is appropriated by congress.

How United States apportionments shall be expended.

The treasurer of said executive board of said agricultural college shall also have the authority to receive all moneys appropriated by the act of congress of March 16, 1906 (34 Statutes at Large, page 63), entitled, "An Act to provide for and increase the annual appropriation for agricultural experiment stations, and regulating the expenditure thereof," and such money shall be expended by said executive board under the supervision and direction and control of the state board of education in the manner and for the purpose designated in said act of congress, and as required by section 741 of the Revised Codes of Montana of 1907. The treasurer of the

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agricultural college of Montana shall, on or before the first day of September of each year, make a detailed statement of the amounts received and disbursed under the provisions of the act of congress of August 30, 1890, and of March 4, 1907, and shall report the same to the secretary of agriculture of the United States and to the secretary of the interior of the United States, as required by said acts of congress, and shall file a duplicate thereof with the state board of examiners of the state of Montana on or before the 10th day of September of each year. Said treasurer shall also make a detailed statement of the amounts of money received and disbursed under the act of congress of March 16, 1906, which report shall be filed with the state board of examiners on or before the 10th day of September of each year, and shall also make such reports to the officers or departments of the United States as are now or may hereafter be required by the laws of the United States.

Treasurer of Agricultural College, when to make detailed statement.

Statement to be reported to Secretary of Agriculture and Secretary of Interior of United States and duplicate filed with State Board of Examiners.

Other detailed statements.

Section X. The ex-officio member of each of said executive boards shall hold his office during his continuance as president of such institution, and the two members appointed by the governor shall hold office for the term of four years from and after the third Monday in April, 1909, unless sooner removed by the governor or by the state board of education; provided, that of the members of the executive board first appointed under the provisions of this act, one shall be appointed for the term of two years and one for the term of four years. Such members shall qualify by taking and filing their oath of office with the state board of education.

Term of office of members of executive boards.

Proviso.

Oath of office.

Section XI. The members of each of the executive boards, except the chairman, shall receive such compensation for their services as shall be fixed by the state board of education, not exceeding the sum of five dollars for each day actually spent in the discharge of their official duties, and not exceeding the sum of one hundred and twenty-five dollars in any one year for each member, and such members shall also be reimbursed from the amount appropriated by the legislature for the maintenance and support of such institutions all expenses necessaryily incurred by them by them in the discharge of their official duties as members of said boards.

Compensation.

Expenses.

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Termination of term of office of executive boards, commissioners, trustees and directors hitherto appointed.

Section XII. That the term of office of all trustees, directors, or members of any executive board or commission of any of the institutions named in this act, heretofore appointed, elected or serving as such trustees, directors or member of such executive boards or commissions, shall terminate upon the appointment and qualification of the members of the executive boards created by this act, and such boards created hereby shall have only such power and authority as is given under the provisions of this act.

State Board of Examiners shall have supervision and control of all moneys appropriated or received, excepting those received from the United States.

Section XIII. The state board of examiners of the state of Montana shall have supervision and control of all expenditures of all moneys appropriated or received for the use of said colleges from any and all sources, other than that received under and by virtue of the acts of congress hereinbefore referred to, and said state board of examiners shall let all contracts, approve all bonds for any and all buildings or improvements, and shall audit all claims to be paid from any moneys, other than that received under and by virtue of the acts of congress herein referred to, but said state board of examiners shall have authority to confer upon the executive boards of such institutions such power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries or other expenses incurred in connection with said institution as may be deemed by said state board of examiners to be to the best interests of said institutions.

Other powers and duties of State Board of Examiners.

Donations, grants and gifts, how made.

Section 14. All donations, grants, gifts or devises made to any of the institutions named herein shall be made to such institution in its legal name, and if made to any officer or boards of such institutions the same shall be immediately transferred by such board or officer to such institution.

Revised Codes of 1907. Sections repealed.

Section 15. That sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264, of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict with this act be, and the same are, hereby repealed.

Section 16. This act shall take effect and be in full force from and after the 15th day of April, 1909.

Approved March 4, 1909.

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CHAPTER 74.

"An Act to Amend Section 3223 of the Revised Codes of the State of Montana of 1907, relative to the Division of Cities and Towns into Wards by City or Town Councils."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3223 amended.

Section 1. That Section 3223 of the Revised Codes of the State of Montana of 1907, be and the same is hereby amended to read as follows:

Cities, how divided into wards.

Section 3223:—Cities of the first class must be divided into not less, than four nor more than ten wards; cities of the second class into not less than three nor more than six, and cities of the third class into not less than two nor more than four wards, and towns into not less than two nor more than three wards. All changes in the number and boundaries of wards must be made by ordinance, and no new ward must be created unless there shall be within its boundaries one hundred and fifty electors, or more.

Changes in number and boundaries to be made by ordinances.

New wards.

Section 2. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 75.

"An Act to Regulate the Hours of Labor of Telephone Operators in Cities and Towns having a Population of Three Thousand or Over."

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to hire or employ telephone operators to work more than nine hours per day in towns of 3,000 inhabitants.

Section 1. On all lines of Public Telephones, operated in whole or in part within this State, it shall hereafter be unlawful for any owner, lessee, company or corporation to hire or employ any operator or operators, other person or persons to run or operate a telephone board or boards for more than nine (9) hours, in twenty-four hours in cities or towns having a population of 3000 inhabitants, or over, Provided, however, that the provisions of this Act shall not apply to any person or persons, operator or operators, operating any telephone board or boards more than nine (9) hours in each twenty-

Not to apply to certain cases.

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four for the purpose of relieving another employee in case of sickness or other unforseen cause or causes.

Violation of this Act.

Section 2. Any owner, lessee, company or corporation, who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not less than One Hundred ($100) Dollars nor more than Five Hundred ($500) Dollars, and each and every day that such owner, lessee, company or corporation, may continue to violate any of the provisions of this act, shall be considered a separate and distinct offence and shall be punished as such.

Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect thirty days after its passage and approval.

Approved March 4, 1909.

CHAPTER 76.

An Act to Amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana of 1907, Concerning the Investment of the Funds of the State Normal School, Permanent University Funds, Permanent Agricultural College and Permanent School Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 786 of the Revised Codes of the State of Montana of 1907, be, and same is hereby amended so as to read as follows:

Investment of permanent funds of State Normal School.

Section 786. The State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent Normal School Fund, in any State, County, City or School District securities of this State, and in any State Capitol Building bonds now issued or which may be hereafter issued, and in first mortgages on farm land in this State, as provided in Section 2196 as herein amended, which in its judgment is a safe investment. The Board may make its bids for any of State Securities in the same manner as private persons, and under no restrictions other than those imposed upon private persons seeking investments herein.

State Board of Land Commissioners may make bids.

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Section II. That Section 2196 of the Revised Codes of the State of Montana of 1907 be, and the same is hereby amended so as to read as follows:

Permanent School and Permanent University fund, how invested.

Section 2196. All moneys belonging to the Permanent School and Permanent University Funds must be invested:

First. In Bonds of the State of Montana or of the United States.

Second. In interest bearing warrants upon the general fund of the State.

Third. In such bonds of the several Counties and Cities of the State as the Board deems most safe and secure.

Fourth. In bonds of school districts within the State of Montana, provided, that before any such moneys are so invested, the Board must be satisfied that the bonds, so as to be negotiated, are the only bonds issued by the School district, and that the outstanding indebtedness of such district does not exceed, three per cent upon valuation of the property within it.

Fifth. In any State Ctpitol Building Bonds of the State of Montana, now issued, or which may be hereafter issued.

Mortgages on farm lands.

Sixth. In first mortgages on farm lands in the State, not exceeding in amount one-third (1-3) of the actual value of any subdivision on which the same may be loaned, such value to be determined by the State Board of Land Commissioners, who may appoint appraises for said purpose, as in cases of appraisments of State Lands. The said first mortgages on farm lands, and each of them shall run for a period of not exceeding ten (10) years, and the funds so invested shall draw interest at the rate of six per cent (6%) per annum; said interest together with ten per centum of the whole amount of the principal shall be paid in annual installments, and the interest when paid shall be converted into and become a part of the funds of such institution.

Board of Land Commissioners may appoint appraisers of lands.

Term for which mortgage shall run.
Interest.

Payment of principal and interest of mortgages in installments.

Kind of lands upon which mortgage loans may be made and to what persons.

Such first mortgage loans shall only be made upon cultivated lands within the State to which shall be appurtenant a sufficient water right, the title to which has been adjudicated as in the owner of said lands, and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten ($10.00) dollars an acre.

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When mortgages may be satisfied.

Any and all of said mortgages which run for a greater period than five (5) years may be satisfied at any time after five years from the date thereof, upon the payment of the full amount due. The applicant for the loan upon any farm land, shall furnish a complete and satisfactory abstract, at his own expense, of the title of both the land and the appurtenant water right, and before any loan is made the Attorney General of Montana shall examine said title, and if he shall find title resting in said applicant, he shall certify the same to the State Board of Land Commissioners. The cost of appraising such loan shall be estimated by the Board and the amount of said estimate paid by the applicant to the State Board in advance of and before any appraisment of such land shall be made.

Abstracts.

Attorney General shall examine abstracts.

Costs of appraisement.

Section III. That Section 2197 of the Revised Codes of the State of Montana of 1907 be, and the same is amended so as to read as follows:

Section 2197: That the State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent School Fund, and Permanent Agricultural College Fund in any State, County, City or School District securities in this State, or in any State Capitol Building Bonds now issued or which may be hereafter issued and in such first mortgages on farm lands in the State, as provided in, and in the manner set forth in sub-section 6, of Section 2196 herein, which in the judgment of the Board are safe investments.

The Board may make its bids for any of said securities in the same manner as private persons and under no restrictions other than those imposed upon private persons seeking investment herein.

Section IV. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 4, 1909.

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CHAPTER 77.

"An Act Concerning Notaries Public who are Stockholders, Directors, Officers or Employes of Banks or other Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Notary public who is a stockholder, director, officer or employee of a corporation may take acknowledgments and administer oaths when corporation is interested, and protest commercial papers for non-payment.

Section 1. That it shall be lawful for any notary public who is a stockholder, director, officer, or employe of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employe or agent of such corporation, or to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes, and other negotiable instruments which may be owned or held for collection by such bank or other corporation; Provided, it shall be unlawful for any notary public to take the acknowledgment of an instument by or to a bank, or other corporation of which he is a stockholder, director, officer, or employe, where such notary is a party to such instrument, either individually or as a representative of such bank or other corporation, or to protest any negotiable instrument owned or held for collection by such bank or other corporation, where such notary is individually a party to such instrument.

Not to act when a party to instrument or interested therein.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall take effect immediately.

Approved March 4, 1909.

CHAPTER 78.

"An Act Fixing the Liability of a Bank to its Depositor for Payment of Forged or Raised Checks."

Be it enacted by the Legislative Assembly of the State of Montana:

Liability of banks on paid raised or forged checks.

Section 1. No bank shall be liable to a depositor for the payment by it of a forged or raised check unless within one year after the return to the depositor of the voucher of such payment, such depositor shall notify the bank that the check so paid is forged or raised.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 79.

"An Act making it the Duty of the Sheriff of each County to visit, in January and July of each year, every Place within his County, required by law to have a Liquor License, to Ascertain if the license Law is being Violated, to Inspect and list Licenses, and Report to Board of County Commissioners and to State Examiner."

Be it enacted by the Legislative Assembly of the State of Montana:

Sheriff of each county shall visit every store or saloon in his county where liquors are sold.

Section 1. The County Sheriff shall, in January and July of each year, visit every store or saloon in the county which is required by law to procure a liquor license, and shall ascertain the name of the person, persons or corporation conducting such saloon and shall carefully inspect each license issued during the preceding six months or since the last inspection, and shall list the same, showing the number and form, name to whom issued, date of issue and expiration thereof. He shall make a special effort to ascertain if any person or corporation is selling liquor without a license, and if any is found, he shall list same, showing location, name, time when license should have been procured, and immediately inform the County Treasurer.

Shall inspect liquor licenses and list same.

Shall make effort to ascertain if liquor is sold without a license.

Shall furnish data of information to the State Examiner and Board of County Commissioners.

The sheriff shall, promptly after completion of inspection tour, arrange in alphabetical order by proper names all the data above required, and furnish one copy to the State Examiner and one copy to the Board of County Commissioners.

Neglect of duty grounds for removal from office.

The neglect or refusal of any sheriff to perform the duties prescribed by this Act shall be sufficient ground for removal from office.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1909.

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CHAPTER 80.

"An Act to Amend Section 6378 of the Revised Codes of Montana of 1907, relating to Salary and Mileage of Court Stenographers."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 6378 amended.

Section 1. That Section 6378 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended so as to read as follows:

Salary of Court Stenographers.

"Section 6378. Salary and Mileage. Every stenographer appointed under the provisions of this Title receives an annual salary of twenty-four hundred dollars, and no other compensation except as provided in Section 6376 of the Revised Codes of Montana of 1907, payable in monthly installments out of the contingent funds of the counties comprising the district for which he is appointed, according and in proportion to the number of suits entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon after as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed in addition to the salary and fees above provided, in judicial districts comprising more than one county, a mileage of ten cents per mile for the distance traveled by him from one county seat to another in the performance of his official duties, said mileage to be apportioned and payable in the same way as the salary."

How payable.

District Court shall apportion salary among the counties of the judicial district.

Mileage in certain districts.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and atfer its passage and approval by the Governor.

Approved March 4, 1909.

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CHAPTER 81.

"An Act to Amend Sections 8782, 8783, 8784, 8785, 8787 and 8788, of the Revised Codes of Montana, 1907, Relating to the Protection and killing of Wild Game and Beaver, and Preventing the Sale of Beaver skins and Providing a punishment for the Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 8782 amended.

Section 1. That Section 8782 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

Deer, killing out of season.

Killing more than three deer in one year.

Penalty.

Section 8782. Any person who shall, between December first of any year and October first of the following year, wilfully shoot or kill, or cause to be shot or killed, any deer, or who in the open season of any calendar year shoots or kills, or causes to shot or killed more than three deer, shall be punished by imprisonment in the County Jail for a term not less than thirty days nor more than one year, or by a fine of not less than One Hundred ($100.00) Dollars, nor more than One Thousand ($1,000.00) Dollars, or by both such fine and imprisonment.

Revised Codes of 1907. Section 8783 amended.

Section 2. That Section 8783 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Killing moose, bison, buffalo, caribou, antelope and beaver prohibited.

Penalty.

Provided, beaver may be killed by owner of land in certain instances.

Section 8783. Any person who wilfully shoots or kills, or causes to be shot or killed, any moose, bison, buffalo, caribou, antelope or beaver, shall be punished by imprisonment in the County Jail for not less than six months nor more than two years, or shall be fined not less than One Hundred Dollars nor more than One Thousand Dollars, or by both such fine and imprisonment. Provided, that any tax payer and bona fide owner of real estate in this state may upon his own premises or upon the right of way of his own ditches kill or destroy beaver when necessary for the protection of his dams, irrigating ditches and trees, and to prevent the overflowing of water on his premises. Any person who wilfully shoots or kills, or causes to be shot or killed, any quail, chinese pheasants, Hungarian pheasants or turtle dove, shall be punished by imprisonment in the county jail for a term of not less than thirty days nor more than twelve

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months, or by a fine of not less than twenty-five dollars nor more than One Hundred Dollars or by both such fines and imprisonment.

Killing quail, Chinese pheasants, Hungarian pheasants and turtle doves prohibited. Penalty.

Section 3. That Section 8784 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 8784 amended.

Section 8784. Any person who between the first day of December of one year, and the first day of October of the following year, wilfully shoots or kills, or causes to be shot or killed, any elk, mountain sheep, or mountain goat, or who in a single open season shall shoot, kill or cause to be shot or killed more than one elk, one mountain sheep or one mountain goat, shall be punished by imprisonment in the County Jail for a period of not less than three months nor more than twelve months, or by a fine of not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1000.00) Dollars, or by both such fine and imprisonment.

Killing of elk, mountain sheep, mountain goats between December 1 and October 1 prohibited.

Killing more than one of each in single season.

Penalty.

Section 4. That Section 8785 of the Revised Codes of Montana 1907, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 8785 amended.

Section 8785. Any person who shall sell or offer for sale the skin or skins of any beaver within this state, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than ninety days nor more than twelve months, or by a fine of not less than fifty dollars nor more than One Thousand Dollars, or by both such fine and imprisonment.

Selling or offering for sale the skins of beaver.

Penalty.

Section 5. That Section 8787 of the Revised Codes of Montana 1907, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 8787 amended.

Section 8787. Any person who between the first day of November of any year and the first day of October of the following year, wilfully shoots or kills or causes to be shot or killed any grouse, prarie chicken, fool hen, sage hen, pheasant or partridge, or who during the open season shoots or kills or causes to be shot or killed more than five grouse or prairie chicken or sage hens or fool hens, or pheasants, or partridges in any one day shall be punished by a fine of not less than Fifty Dollars nor more than One

Killing of grouse, prairie chickens, fool hens, sage hens and partridges, except during October, prohibited.

No more than five permitted to be killed by one person during one day.

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Penalty.

Thousand Dollars, or by imprisonment in the county jail for a term of not less than ninety days, nor more than twelve months or by both such fine and imprisonment.

Revised Codes of 1907. Section 8788 amended.

Section 6. That Section 8788 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

Killing wild geese, ducks, brant and swan between January 1 and September 1 prohibited.

Twenty ducks in one day the limit.

Penalty.

Section 8788. Any person who shall between the first day of January, of any year, and the first day of September of the same year, wilfully shoot or kill, or cause to be shot or killed any wild geese, wild ducks, brant or swan, or shall during the open season shoot or kill or cause to be shot or killed more than twenty wild ducks in any one day, shall be punished by a fine of not less than Twenty-five ($25.00) Dollars nor more than One Thousand ($1000.00) Dollars, or by imprisonment in the County Jail for a term not exceeding three months or less than one month, or by both such fine and imprisonment.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4. 1909.

CHAPTER 82.

"An Act to Amend Section 5923 of the Revised Codes of Montana Relative to the Payment of Instruments made Payable at a Bank."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 5923 amended.

Section 1. Section 5923 of the Revised Codes of Montana is hereby amended so as to read as follows:

Instruments payable at a bank.

Section 5923. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon. But where the instrument is made payable at a fixed or determinable future time, the order to the bank is limited to the day of maturity only.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the Provisions of this Act are hereby repealed.

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Act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 83.

"An Act Concerning Tree Planting and Arbor Day, and to Amend Section 1022 of the Revised Codes of Montana, 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1022 amended.

Section 1. That Section 1022 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Arbor Day the second Tuesday of May.

Section 1022. The second Tuesday of May in each year shall be known throughout the State of Montana as "Arbor Day."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1909.

CHAPTER 84.

"An Act to amend Section 1435, Chapter II., Part III., Title II., of the Political Code of the State of Montana, Relating to the Duties of Canvassing Boards."

Be it enacted by the Legislative Assembly of the State of Montana:

Political Code of 1895. Section 1435 (Revised Codes of 1907, Section 593, amended.

Section 1. That Section 1435, Chapter II., Part III., Title II., of the Political Code be amended to read as follows:

Duties of canvassing boards.

Tie vote for state senator or representative.

Section 1435. The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of a single county or a subdivision thereof, and in the event of two or more persons receiving an equal and sufficient number of votes to elect to the office of State Senator, or Member of the House of Representatives, it shall be the duty of the Board, under the direction of and in the presence of the District Court, or Judge thereof, to recount the ballots cast for such persons, and the Board shall declare elected the person or persons shown by the recount

Recount of ballots.

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If after recount the vote stands a tie, the board shall certify the same to the Governor.

to have the highest number of votes if such recount shall show that two or more such persons receive an equal and sufficient number of votes to elect to the same office, then, and in that event, the Board shall certify such facts to the Governor.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Act takes effect.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 85.

"An Act to Amend Section 3118 of the Revised Codes of Montana of 1907, relating to the Salary and Compensation of Deputies to County Officers and Assistants."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3118 amended.

Section 1. That Section 3118 of the Revised Codes of Montana, of 1907, be, and the same is hereby amended to read as follows:

Salaries of county deputy officers.

Section 3118. "The Annual compensation allowed to any deputy or assistant is as follows:

Counties of first class.

COUNTIES OF THE FIRST CLASS.

SHERIFF.

Sheriff, under sheriff and deputies.

One Under Sheriff.....Eighteen hundred dollars
One Chief deputy and clerk.....Eighteen hundred dollars
All other deputies.....One Thousand, five hundred dollars

CLERK AND RECORDER.

Clerk and Recorder. Deputies.

One chief deputy.....One thousand, eight hundred dollars
All other deputies.....One thousand, five hundred dollars

CLERK DISTRICT COURT.

Chief clerk and deputy to Clerk of District Court.

One chief deputy.....Eighteen hundred dollars
Each Department, deputy clerk, Sixteen hundred and fifty dollars.
All other deputies.....One thousand, five hundred dollars

TREASURER.

Treasurer's deputies.

One chief deputy.....Two thousand dollars
Other deputies.....One thousand, five hundred dollars

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ASSESSOR.

Assessor's deputies.

One chief deputy.....One thousand, eight hundred dollars.
Other deputies between first Monday of March and August of each year....One hundred fifty dollars, per month.

COUNTY ATTORNEY.

County Attorney's deputies.

Chief deputy.....Two thousand, one hundred dollars.
Other deputies.....One thousand, eight hundred dollars.

AUDITOR.

County Auditor's deputies.

One chief deputy.....One thousand, eight hundred dollars.
Other deputies.....One thousand, five hundred dollars.

COUNTIES OF THE SECOND AND THIRD CLASSES.

Counties of second and third classes. Salaries of deputies.

Under sheriff.....Eighteen hundred dollars.
Each deputy sheriff.....Fifteen hundred dollars.
Each deputy clerk.....Fifteen hundred dollars.
Chief Deputy Clerk, District Court, Eighteen hundred dollars.
Other deputy clerks, District Court, Fifteen hundred dollars.
Deputy Treasurer.....Fifteen hundred dollars.
Chief deputy assessor.....Eighteen hundred dollars.
Deputy assessors.....Fifteen hundred dollars.
Deputy County Attorney.....Eighteen hundred dollars.
Deputy Auditor.....Fifteen hundred dollars.

COUNTIES OF THE FOURTH AND FIFTH CLASSES.

Counties of fourth and fifth classes. Salaries of deputies.

Under sheriff.....Eighteen hundred dollars.
Each deputy sheriff.....Fifteen hundred dollars.
Deputy Clerks.....Fifteen hundred dollars.
Deputy Clerks, District Court.....Fifteen hundred dollars.

COUNTIES OF THE SIXTH, SEVENTH AND EIGHTH CLASSES.

Counties of sixth, seventh and eighth classes. Salaries of deputies.

Under sheriff.....One thousand, Two hundred dollars.
Each deputy sheriff, ...
.....not to exceed One Thousand, two hundred dollars.
Deputy Clerks.....
.....not to exceed, One thousand, two hundred dollars.
Deputy clerk, District Court.....
.....not to exceed, One thousand, two hundred dollars.

Repealing clause.

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1909.

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CHAPTER 86.

An Act entitled "An Act to Provide for the appointment by the State Board of Examiners of a State Acountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Examiners shall appoint a State Accountant.

Section 1. The State Board of Examiners shall appoint a state accountant, who shall hold his office for the term of four years unless sooner removed by the Board.

Power and duties of State Accountant.

Section 2. The State Accountant shall have the power, and it shall be his duty:

To examine quarterly the books and accounts of the secretary and treasurer of state institutions named.

1. To examine, at least once every three months, the books and accounts of the treasurer and secretary of each of the following institutions, to-wit: University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphan's Home, Montana State School of Mines, Montana School for the Deaf and Blind, State Reform School, Soldier's Home, State Prison, Montana State Fair, and State Insane Asylum; also to examine into the general financial affairs and conditions of each of said institutions.

To prescribe general methods of accounting for receipts and disbursements of money by such institutions and require adherence thereto.

2. To prescribe the general methods and details of accounting for the receipt and disbursement of all moneys belonging to any of said institutions, or managed or controlled by them, and to require of all officers, directors and other persons connected with the financial affairs of such institutions an adherance to such general method and details as are required by law or said state accountant to be adopted and observed by such institutions; provided, that before any such general method and details of accounting, or any special rules are put into force in any of such institutions, they shall first be approved by the State Board of Examiners.

Provided, that such general methods and details must first be approved by the State Board of Examiners.

Must make reports to the State Board of Examiners.

3. After the examination of the affairs, books, and accounts of said institutions to make full report of such examinations to the State Board of Examiners within thirty days after such examination.

Other duties.

4. Said State Accountant shall also perform such other duties or work of the State Board of Examiners as said may order and direct.

Section 3. All Boards of Directors, officers, employees and

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other persons connected with the financial affairs of any of the institutions mentioned in Section Two of this Act must afford all reasonable facilities for the examination of accounts and investigations provided for in this act, and all boards of directors, officers, employees and other persons connected with the financial affairs of any said institutions must make returns and exhibits to said accountant, under oath, in such form and in such manner as he may prescribe, not conflicting with the law and the rules and regulations approved by the State Board of Examiners. Every director, officer, employee or other person, wilfully violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One thousand dollars.

All directors, officers and employees of such institutions connected with their financial affairs must afford reasonable facilities for such examinations and investigations.

Must make returns and exhibits to the State Accountant.

Wilfull violation of provisions of this Act a misdemeanor.

Penalty.

Section 4. The refusal or neglect of any member of the Executive Board or other officer or employee of any of said institutions to comply with the general methods and details of accounting prescribed by the State Accountant, as authorized in paragraph two of Section two of this Act, shall constitute a good and sufficient ground to summarily remove said person from said board, office or position by the State Board of Examiners.

Refusal to comply with methods and details of accounting.

Section 5. The Salary of said State Accountant shall be eighteen hundred dollars per annum, and on entering upon the discharge of the duties of such position he shall take the constitutional oath of office and file a bond in such sum as shall be fixed by the State Board of Examiners, to be approved by said Board.

Salary of State Accountant.

Oath and bond.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing act.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Act takes effect.

Approved March 5, 1909.

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CHAPTER 87.

"An Act to Amend Section 1961 of the Revised Codes of Montana of 1907, authorizing and Empowering the State Game and Fish Warden to create additional Game and Fish Districts and to Appoint additional Special Deputy Game and Fish Wardens."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1961 amended.

Section 1. That Section 1961 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

State Game and Fish Warden authorized to create new districts and appoint seven additional deputies.

Duties and compensation.

Section 1961. The State Game and Fish Warden is hereby authorized and empowered to create Seven (7) additional Game and Fish Districts, and to appoint and employ Seven (7) additional special Deputy Game and Fish Wardens whose duties and compensation shall be the same as is already provided for by the Revised Codes of Montana of 1907: such appointments may be made by the State Game and Fish Warden any time as in his judgment the needs of the State may require.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1909.

CHAPTER 88.

"An Act to Provide for the support of the Government of the State of Montana, for the years 1909 and 1910."

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levy for general State purposes for 1909, 2½ mills on the dollar of valuation.

Section 1. There is hereby levied for state purposes upon all the property of the State liable to taxation for the year 1909 an ad valorem tax of two and one-half mills (2½) on each dollar of the valuation of such property.

Tax levy for general State purposes for the year 1910, 2½ mills on the dollar of valuation.

Section 2. There is hereby levied for state purposes upon all the property of the State liable to taxation for the year 1910 an ad valorem tax of two and one-half mills (2½) on each dollar of the valuation of such property.

Section 3. There is hereby levied upon all the property in

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the State liable to taxation for the year 1909, an ad valorem tax of one fourth mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, Laws of 1907.

Tax levy for interest and sinking fund on State bonds for year of 1909, one-quarter mill on each dollar of valuation.

Section 4. There is hereby levied upon all property in the State Liable to taxation for the year 1910, an ad valorem tax of one fourth mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, Laws of 1907.

Tax levy for interest and sinking fund on State bonds for the year of 1910, one-quarter mill on each dollar of valuation.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Act takes effect.

Approved March 5, 1909.

CHAPTER 89.

"An Act to Amend Section 2065 of the Revised Codes of Montana, 1907, Providing Suitable Burial for Deceased Soldiers, Sailors, and Marines."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2065 of the Revised Codes of Montana, of 1907, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 2065 amended.

Section 2065. That it shall be the duty of the Board of County Commissioners of each county in this State to designate some proper person in the county, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, or marine who shall have served in the army or navy of the United States, who may hereafter die without leaving sufficient means to defray funeral expenses, such burial shall not be made in any burial ground or cemetery, or in any portion of such burial ground or cemetery used exclusively for the burial of pauper dead. Provided, the expense of each burial shall not exceed the sum of one hundred ($100.00) dollars.

Board of County Commissioners shall provide for the burial of deceased indigent soldiers, sailors and marines honorably discharged.

Not to be buried in potter's field.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act takes effect.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 90.

"An Act to prohibit the establishment or maintenance of saloons as places where malt, vinous, or spiritous liquors are sold at retail, with-in two thousand feet of any state educational institution, and prohibiting the issual of permits or licences therefor, and fixing a punishment for violation of this act."

Be it enacted by the Legislative Assembly of the State of Montana:

Forbidding the establishing or maintenance of any saloon or place where liquor is sold within 2,000 feet of any state educational institution.

Section 1. It shall be unlawful for any person, persons, or corporation, to establish or maintain within two thousand feet of the main building of any state institution of the state of Montana, any saloon or place where malt, vinous, or spiritous liquors are sold at retail.

Boards of County Commissioners and Councils of cities and towns forbidden to issue licenses or permits for keeping any such establishment within 2,000 feet of any state educational institution. License or permit void.

Section 2. All boards of county commissioners, and all city and town councils are hereby prohibited from granting any permit or license to any person, persons, or corporation, to establish, conduct, or carry on or maintain any saloon or place where malt, vinous, or spiritous liquors are sold at retail within two thousand feet of any State educational Institutions of the state of Montana, and any such permit or license granted in violation of the terms of this act shall be void.

Misdemeanor.

Section 3. Any person violating any of the terms of this act shall be deemed guilty of a misdemeanor and punished accordingly.

Act shall take effect.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1909.

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CHAPTER 91.

An act to provide an additional Judge for the Fifth Judicial District of the State of Montana, so that there will hereafter be Two Judges in said District.

Be it enacted by the Legislative Assembly of the State of Montana:

There shall be two judges in the Fifth Judicial District.

Section 1. That from and after the passage and approval of this act there shall be two judges in the Fifth Judicial District of the State of Montana.

Governor shall appoint the additional judge. Term of office.

Section 2. That the Governor shall appoint some fit and qualified person as additional judge of the said Fith Judicial District to hold his office until the first Monday of January in the year 1913, or until his successor is duly elected and qualified.

Compensation, powers and duties.

Section 3. The compensation, powers and duties of the said additional judge by this act created shall be the same as are provided by law for other district judges.

Act shall take effect.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

CHAPTER 92.

"An Act to Amend an Act entitled 'An Act to Prohibit the Reporting or recording or Registering of any Bet or Wager upon the Result of any Contest of Speed or Skill or Endurance of Animal or Beast, within certain Limitations therein stated, and to limit the number of Days when such Bets or Wagers may be Recorded, Reported or Registered, and Providing Penalties for the Breach of the same," which Act was approved on February 16th, 1909, and prohibiting the making or Reporting or recording or registering of any Bet or Wager upon the result of any contest of speed or skill or endurance of animal or beast within certain Limitations therein stated, and to limit the Number of days when such bets or wagers may be made, recorded, reported, or registered, and providing penalties for the breach of the same."

Be it enacted by the Legislative Assembly of the State of Montana:

That the Act heretofore, on the 16th day of February, 1909,

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Chapter 20 of Laws of 1909 amended.

approved and entitled "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same," is hereby amended to read as follows:

Unlawful to make, report, record or register any bet or wager on contest of speed, skill or endurance of animal or beast unless within enclosure of race track or fair grounds.

Section 1. It shall be unlawful to make or report or record or register any bet or wager upon the result of any contest of speed or skill or endurance of animal, or beast, whether such contest is held within or without the State of Montana, unless said contest is held within an enclosed race track or fair grounds, and said bet or wager is made and all acts done in making, registering, reporting and recording said bet or wager are done within the enclosure of the race track or fair grounds where such contest is held, and upon the same day such contest is held.

Betting on race tracks or fair grounds permitted for 30 days in counties of the first class, and for 14 days in any other county during any calendar year.

Section 2. Whenever, during thirty days, whether consecutive or not, in any calendar year in any county of the first class and whenever, during fourteen days, whether consecutive or not, in any calendar year, in any County not a county of the first class, there have been bets or wagers made, or reported or recorded or registered upon the result of any contest of speed or skill or endurance of animal or beast upon any enclosed race track or fair grounds, it shall thereafter be unlawful during such calendar year to make, or report or record or register any wager or bet upon the result of any contest of speed or skill or endurance of animal or beast held within such inclosure.

Persons who aid or abet any person in the violation of anything forbidden in Sections 1 and 2 hereof shall be deemed a principal.

Section 3. Any person who aids or abets in the commission of any of the Acts made unlawful in Sections 1 and 2. hereof, either by transmitting or communicating or transferring money or other thing of value, or information for the purpose of having bets or wagers made or reported or recorded or registered, shall be deemd a principal in the commission of such offense.

Violation of this Act a misdemeanor.

Section 4. Every person or persons violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than

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One Hundred Dollars or more than One Thousand Dollars, or by imprisonment in the County jail for not more than one year, or by both such fine and imprisonment. Penalty.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 6. This Act shall take effect from and after its passage and approval by the Governor. Act to take effect.

Approved March 5, 1909.

CHAPTER 93.

An Act Regulating the Labor of Jailors in Counties of the First, Second and Third Classes, and Amending Section 3119 of the Revised Codes of Montana, 1907, Relating to the number of Deputy Clerks and Sheriffs and the Salary to be paid the Latter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the first day of April, 1909, eight hours shall constitute a days work for jailors in Counties of the first, second and third classes, except in cases of emergency and when the peace and safety of the community require that such jailors work for a longer period than eight hours in any twenty-four. Jailors in counties of first, second and third classes. Eight hours shall constitute a day's work.

Section 2. That Section 3119 of the Revised Codes of Montana, 1907, be, and the same is hereby amended so to read as follows: Revised Codes of 1907. Section 3119 amended.

Section 3119. The whole number of deputies allowed the County Clerk in Counties of the first and second classes must not exceed six, in counties of the third class, three; in counties of the fourth and fifth class, two; in counties of the sixth and seventh and eight classes, one. The whole number of deputies allowed the Clerk of the District Court in counties of the first and second classes must not exceed one chief deputy, and deputies to the number of six; in counties of the third and fourth classes having more than one District Judge, three; in counties of the third and fourth classes having one District Judge, two; in counties of the fifth, sixth and seventh and eight classes, one. The whole number of deputies allowed the Sheriff is one under sheriff, and in addition not to exceed

Limiting the number of deputy county clerks in different classed counties.

Clerks of the district courts limited.

Under sheriffs and deputy sheriffs limited.

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the following number of deputies; In counties of the first and second classes, six; in counties of the third and fourth classes, two; in counties of the fifth, sixth, seventh and eight classes, one. The Sheriff in counties of the first, second and third classes may appoint two deputies, and in the fourth, fifth, sixth, seventh and eight classes, one deputy who shall act as jailors and receive the same salary as other deputy sheriffs.

One deputy to act as jailor.

Repealing clause.

Section 3. All Acts or parts of Acts in conflict hereafter, are hereby repealed.

Act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1909.

CHAPTER 94.

"An Act relating to the Proof of Corporate Existence and Providing for the Manner of Proving the Corporate Character of any Corporation, Domestic or Foreign."

Be it enacted by the Legislative Assembly of the State of Montana:

What shall be admitted as evidence of the corporate existence and capacity of corporations.

Section 1. The certificate issued by the Secretary of State upon the filing of a certified copy of any articles of incorporation, or a certificate issued by such Secretary or State Auditor, setting forth that any corporation, domestic or foreign, has filed its articles of incorporation in his office as required by law, shall be admitted in evidence in all courts of this State, and shall be prima facie evidence of the corporate character and capacity of such corporation and of its right to transact business in this State, excepting in an action prosecuted by the State in the nature of a quo warranto proceeding.

What shall be admitted as evidence of the corporate character and capacity of National banks.

Section 2. The certificate of the Comptroller of the Currency of the United States issued to any National Bank authorizing it to commence business, or a certificate of such Comptroller setting forth that such bank is authorized to transact business, shall be admitted in evidence in all courts of this State and shall be prima facie evidence of the corporate character and capacity of such bank. Provided however, that this Act shall not be so construed as to effect any case now pending in the courts of this State or of the United States,

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Secion 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall take effect and be in force from and after its passage and approval. Act to take effect.

Approved March 6, 1909.

CHAPTER 95.

"An Act to Provide for the Medical Aid and Assistance For Injuries Received by Railroad Trainmen or Employees of Railroads during the course of their Employment, and Providing for the Payment Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. In cases of injuries to or received by any Railroad trainmen or employee of any Railroad doing business in this State, which said injuries shall have been received during the regular course of employment of said Railroad trainmen or employee, any-one of said Railroad trainmen or employee shall have the right, and is hereby empowered and given authority to call upon and retain the services of the nearest practicing physician or surgeon to care for and treat any such injured trainmen or employee, during and until such time as one of the regularly employed and paid physician or surgeon of such Railroad corporation can and is able to treat and care for said Railroad trainmen or employee. In case of injury railroad employees may employ the nearest practicing physician or surgeon. Railroad physicians.

Section II. In cases where the services of any physician or surgeon other than the regularly employed physician or surgeon of the Railroad corporation are retained and hired as provided in Section I, of this Act, such physician or surgeon shall be compensated and paid a reasonable fee for such services performed by him as provided in Section I of this Act. Compensation of physician.

Section III. If any Railroad corporation refuses or neglects to pay for the services of any such physician as hereinbefore provided for within a reasonable time after such physician and surgeon has rendered the services therefor, such Railroad corporation shall be guilty of a misdemeanor. Railroads refusing to compensate the physician called guilty of a misdemeanor.

Section IV. All Acts or parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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When Act takes effect.

Section V. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1909.

CHAPTER 96.

An Act to punish the making or use of false statements to obtain credit.

Be it enacted by the Legislative Assembly of the State of Montana:

False statements or representations to obtain credit or extension of credit forbidden.

Section 1. Any person who, either individually or in a representative capacity

(1) shall knowingly make a false statement in writing to any person, firm or corporation engaged in banking or other business respecting his own financial condition or the financial condition of any firm or corporation with which he is connected as member, director, officer, employe or agent, for the purpose of procuring a loan, or credit in any form or an extension of credit from the person, firm or corporation to whom such false statement is made, either for his own use or for the use of the firm or corporation with which he is connected as aforesaid, or

Knowingly obtaining credit or extension of credit upon false statements of another.

(2) having previously made, or having knowledge that another has previously made, a statement in writing to any person, firm or corporation engaged in banking or other business respecting his own financial condition or the financial condition of any firm or corporation with which he is connected as aforesaid, shall afterwards procure on faith of such statement from the person, firm or corporation to whom such previous statement has been made, either for his own use, or for the use of the firm or corporation with which he is so connected, a loan or credit in any form, or an extension of credit, knowing at the time of such procuring, that such previously made statement is in any material particular false, with respect to the present financial conditions of himself or of the firm or corporation with which he is so connected, or

Delivering any written false statement to procure the negotiation or sale of any note or instrument.

(3) shall deliver to any notebroker or other agent for the sale or negotiation of commercial paper any statement in writing, knowing the same to be false, respecting his own financial condition or the financial condition of any firm or corporation with which he is connected as aforesaid, for the

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purpose of having such statement used in the furtherance of the sale, pledge or negotiating of any note, bill or other instrument for the payment of money made, or endorsed or accepted, or owned in whole or in part, by him individually or by the firm or corporation with which he is so connected; or

(4) having previously delivered, or having knowledge that another has previously deliered to any notebroker or other agent for the sale or negotiation of commercial paper, a statement in writing respecting his own financial condition, or the financial condition of any firm or corporation with which he is connected as aforesaid, shall afterwards deliver to such notebroker or other agent for the purpose of sale, pledge or negotiation on faith of such statement, any note, bill or other instrument for the payment of money made, or endorsed, or accepted, or owned in whole or in part, by himself individually or by the firm or corporation with which he is so connected, knowing at the time that such previously delivered statement is in any material particular, as to the present financial condition of himself or such firm or corporation is punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding five years or both.

Any person knowingly delivering to a notebroker or other agent, to whom a written false statement concerning his financial condition has been made, certain instruments for sale, pledge or negotiation.

Punishment.

Section 2. This act shall be in full force and effect from and after its passage and approval.

When act takes effect.

Approved March 6, 1909.

CHAPTER 97.

An Act Relating to Trusts, Monopolies and Unlawful Contracts and Combinations in Restraint of Trade, Commerce, and transportation Facilities and Fixing the Punishment for Infractions of the Provisions thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, corporation, stock company or association of persons in this state who, directly or indicectly, combine or form what is known as a trust, or make any contract with any person or persons, corporation or stock companies, foreign or domestic, through their stockholders, directors, officers, or in any manner whatever, for the purpose of fixing the price or regulating the production of any article

Trusts, monopolies, unlawful contracts and combinations in restraint of trade, commerce and transportation.

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"Articles of commerce" defined.

of commerce,—"The phrase" 'articles of commerce' as herein employed shall and does include not only those articles which are generally, popularly and legally known as articles of commerce, but also gas, water, waterpower, electric light and electric power for whatever purpose used or employed"—or of the product of the soil for consumption by the people, or to create or carry out any restriction in trade, to limit productions, or increase or reduce the price of merchandise or commodies, or to prevent competition in merchandise or commodities, or to fix a standard or figure whereby the price of any article of merchandise, commerce or product, intended for sale, use or consumption, will be in any way controlled, or to create a monopoly in the manufacture, sale or transportation of any such article or to enter into an obligation by which they shall bind others or themselves not to manufacture, sell, or transport any such articles below a common standard or figure or by which they agree to keep such article or transportation at a fixed or graduated figure, or by which they settle the price of such article, so as to preclude unrestricted competition, is punishable by imprisonment in the county jail for a period not less than twenty-four hours, or more than one year, or by fine not exceeding twenty-five thousand dollars, or both.

Gas, water, water power, electric light and electric power included.

Restriction in trade.

Competition.

Monopoly.

Penalty.

Section 2. The provisions of this Act do not apply to any arrangements, agreement, or combination between laborers, made with the object of lessening the number of hours of labor or increasing wages.

Labor combinations to lessen the hours of labor or increase wages not included.

Section 3. No person shall be excused from testifying in any prosecution brought pursuant to the provisions of this Act, but no person testifying for the prosecution shall be punished or prosecuted in any manner whatsoever for any act committed by him personally, as to which he is called upon to testify in a prosecution against any person or corporation, stock company or association.

No person shall be excused from testifying, but shall not be punished for acts concerning which he testifies.

Section 4. All Acts and parts of Acts in conflict with this are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Act to take effect.

Approved March 6, 1909.

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CHAPTER 98.

An Act to amend Section 825 and 846 of the Revised Codes of Montana of 1907 and providing for instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees and providing for penalties for the failure to make such reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 825 amended.

Section 1. That Section 825 of the Revised Codes of Montana of 1907 be amended so as to read as follows:

County Superintendent of Schools. Annual visits of public schools.

Section 825. He shall visit every public school under his supervision at least once each official year, and oftener if he shall deem it necessary to increase its usefulness. He shall at such visits carefully observe the conditions of the school, the mental and moral instruction given, the teacher's ability, and progress of the pupils. He shall advise and direct the teacher in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teacher's ability to teach and govern, and the condition and progress of the school, which shall be open to inspection to any school trustee. During his visits to the schools of his county the County Superintendent shall consult with the trustees and clerks of all school districts upon all matters relating to the good and welfare of their schools and shall instruct them, whenever necessary, in their duties relating to the reports to be made out by them and forwarded to him annually as the law requires.

Duties.

Record of such visits and of his observations thereon.

To instruct trustees and teachers as to their annual reports.

Revised Codes of 1907. Section 846 amended.

Section 2. That Section 846 of the Revised Codes of Montana of 1907 be amended so as to read as follows:

School district which has not maintained school for at least 4 months during preceding school year not entitled to receive any apportionment of school money; nor shall any school district failing to make annual report.

Section 846. No school District shall be entitled to receive any apportionment of any school moneys, which shall not have maintained a free school for at least four months during the next preceding school year, nor shall any school district, which fails to make its annual report to the County Superintendent, as provided by law, on or before October 15th of each year, be entitled to receive any apportionment of any school moneys. Any and all such moneys thus forfeited by any school district shall be apportioned by the County Superin-

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Apportionment of money thus forfeited among the other districts.

tendent to other school districts of his county; Provided, that any new district formed by the division of an old one shall be entitled to its apportionment, where the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least four months, and, provided further, that in isolated sections of a district consisting of not less than four children, and districts not less than five miles from the established school house in such district, where a school is maintained for three or four months by a regular qualified teacher for the benefit of the children of the families of such section, such district may draw the apportionment of school money for the children so attending said schools.

New districts formed from old ones.

Isolated districts.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1909.

CHAPTER 99.

"An Act to amend Sections 613, 615 and 625 of the Revised Codes of Montana of 1907, relating to elections and voting where voting machines are used.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 613 amended.

Section 1. That Section 613 of the Revised Codes of Montana of 1907 be, and the same is hereby amended so as to read as follows:

Rooms where elections are held.

"Section 613. The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the judges. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the judges shall not allow any person to pass within the railing to that part of the room where the machine is

How voting machines shall be placed.

No person except voters permitted to pass within railing where machine is situated.

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situated except for the purpose of voting and except as provided in the next succeeding section of this act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting machine booth or compartment longer than one minute and if he should refuse to leave it after that lapse of time he shall at once be removed by the judges. The election board of each election precinct in which a voting machine is used shall consist of three judges of election. Where more than one machine is to be used in an election precinct, one additional judge shall be appointed for each additional machine. Before each election at which voting machines are to be used, the custodian shall instruct all judges of election that are to serve thereat, in the use of the machine, and their duties in connection therewith; and he shall give to each judge that has received such instruction and is fully qualified to conduct the election with the machine a certificate to that effect. For the purpose of giving such instruction, the custodian shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall attend such meeting or meetings and receive such instructions as shall be necessary for the proper conduct of the election with the machine; and, as compensation for the time spent in receiving such instruction, each judge that shall qualify for and serve in the election shall receive the sum of one dollar, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No such judge of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy in an emergency."

Secret voting secured.

Time permitted within which to vote.

Election board in precincts where machines are used.

Instructions of judges as to use of machines.

Certificate of efficiency.

Judges to attend meetings called by custodian of machines to receive instructions.

Compensation for time spent in receiving instructions.

Qualifications of judges.

Section 2. That section 615 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 615 amended.

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Publication of diagram of voting machine with illustrated instructions how to vote, and locations of such machines.

"Section 615. Not more than ten or less than than three days before each election at which voting machines are to be used, the board or officials charged with the duty of providing ballots shall publish in newspapers representing at least two political parties, a diagram of reduced size showing the fact of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote, and a statement of the locations of such voting machines as shall be on public exhibition; or in lieu of such publication said board or officials may send by mail or otherwise at least three days before the election a printed copy of said reduced diagram to each registered voter. Not later than forty days before each election at which voting machines are to be used, the Secretary of State shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or officials having charge of election in each County, City, or village in which the machines are to be used; such samples to meet the requirements of the election to be held, and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the Custodian for testing and preparing the voting machine for the election: One certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian preparing the machine can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnesses the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tempering with or injuring a voting machine; two seals for sealing the voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designa-

In lieu thereof such diagrams and instructions may be sent by mail to each voter.

Secretary of State shall send samples of such printed matter and supplies to the officers in charge of elections in each county.

Instructions to custodians of machines.

Certificate of testing machines.

Other certificates.

Envelopes to contain keys to machines, and other instructions and supplies to be furnished.

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tion and location of the election district in which the machine is to be used, the number of machine, the number shown on the protective counter thereof after the machine has been prepared for the election, and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the judge of election; one envelope in which keys to the voting machine can be returned by the election officers after the election; one card stating the name and telephone address of the custodian on the day of the election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine, together with other necessary information relating to the election, said statements of canvass to take the place of all tally papers, statements, and returns as provided heretofore; three complete sets of ballot labels; two diagrams of the fact of the machine with the ballot labels thereon, each diagram to have printed above it the proper instructions to voters for voting on the machine; six suitable printed instructions to judges of election; six notices to judges of election to attend the instruction meeting; six certificates that the judges of election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine. The ballot labels shall be printed in black ink on clear white material of such size and arrangement as shall suit the construction of the machine; Provided, however, that the ballot labels for the questions may contain a condensed statement of each question to be voted on, followed by the words "Yes" and "No", and provided further, that the titles of the officers thereon shall be printed in type as large as the space for each office will reasonably permit, and wherever more than one candidate will be voted for for an office, there shall be printed below the office title thereof the words "vote for any two," or such number as the voter is lawfully entitled to vote for for such office. When any person is nominated for an office by more than one political party, his name shall be placed upon the ticket under the designation of the party which first nominated him; or, if nominaated by more than

How ballot labels shall be printed.

Proviso.

Further proviso.

Persons nominated by more than one political party.

one party at the same time, he shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written statement indicating the party designation under which he desires his name to appear upon the ballot, and it shall be so printed. If he shall refuse or neglect to so file such a statement, the officer with whom the certificate of nomination is required to be filed, shall place his name under the designation of either of the parties nominating him, but under no other designation whatsoever. If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine twenty-five ballots for each political party, each ballot containing the names of the candidates for the office of presidential electors of such party, and a suitable space for writing in names, so that the voter can vote thereon for part of the candidates for the office of presidential electors of one party and part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election precincts in which voting machines are to be used no paper ballots shall be furnished for any officer to be voted for on the machine. For election precincts in which voting machines are to be used no books or blanks for making poll lists shall be provided, but in lieu thereof, the registry lists shall contain a column in which can be entered the number of each voter's ballot as indicated by the number registered on the public counter as he emerges from the voting machine."

Presidential electors.

No paper ballots to be furnished precincts where voting machine is used.

No books or blanks for poll lists, register lists containing special columns.

Section 3. That Section 625 of the Revised Codes of Montana be and the same is hereby amended so as to read as follows:

Revised Codes of 1907. Section 625 amended.

"Section 625. In case any voting machine used in any election shall, during, or before, the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the judges of election immediately to give notice thereof to the county commissioners, and it shall be the duty of said commissioners, if possible, to repair the machine at once or to substitute another machine for the injured machine: and, at the close of the polls if a machine

Judges to give notice of machine becoming injured to County Commissioners, who shall repair machine or immediately substitute another.

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has been so substituted, the records of both machines shall be taken and the votes shown on their corresponding counters shall be added together in ascertaining and determining the result of the election. If no other machine can be procured for use at such election, and the injured machine cannot be repaired in time for further use at such election, the judges of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the judges of election and placed by them in a receptacle to be provided therefor by them and counted with the votes registered on the voting machine, and the result declared the same as if there had been no accident to the voting machine; any marking of such unofficial ballots by the voters which shall clearly indicate their intentions shall be deemed a proper and sufficient manner of voting; for this purpose the printed diagram of reduced size referred to in Section 615 may be used if same can be procured, or ballots may be made from such suitable paper or other material as the precinct election board can procure. The unofficial ballots thus voted shall be preserved and returned to the county commissioners with a statement setting forth how and why the same were used."

Record of both machines to be taken at close of polls.

If machine can not be epaired or another substituted unofficial ballots may be used.

Unofficial ballots must be preserved and counted.

Section 4. All Acts and Parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Act to take effect when.

Approved March 6, 1909.

CHAPTER 100.

"An Act to Amend Section 3812 of the Revised Codes of Montana, Relating to the Power of Corporations to Change the Corporate Name."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3812 of the Revised Codes of Montana, be and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 3812 amended.

Section 3812. That the name of any corporation now organized and existing, or which may hereafter be organized under any of the Statutes of this State, relating to corpora-

How name of corporation may be changed, altered or amended.

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tions may be altered, changed or amended by a vote of the majority of the stockholders of such corporation duly assembled at any regular meeting or at any special meeting duly called for that purpose, and the name of any corporation not having a capital stock may in like manner be changed or amended by a majority vote of all the Trustees or Directors of such corporation regularly assembled at any regular meeting or at any special meeting duly called for that purpose.

Names of corporations not having a capital tock, how changed or amended.

Repealing clause.

Section 2. That all Acts and parts of Acts in conflict with the provisions of this act are hereby repealed.

Act to take effect when.

Section 3. That this Act shall take effect and be in full force after its passage and approval.

Approved March 6, 1909.

CHAPTER 101.

A Bill for an Act to Amend Sections 861 and 862 of the Civil Code, being Sections 4225 and 4226 of the Revised Codes of 1907, Relating to Religious, Social and Benevolent Corporations, and providing that Two or More Religious, Social or Benevolent Corporations May Incorporate Conjointly.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Sections 4225 and 4226 amended.

Section 1. That Sections 861 and 862, of the Civil Code, being Sections 4225 and 4226 of the Revised Codes of Montana, 1907 Respectively be amended so as to read as follows:

Resolution to be adopted by religious, social or benevolent societies desiring to become incorporated.

Section 4225. It shall be lawful for any such association at any regular meeting thereof or at a special meeting for that purpose called, to adopt by a vote of two-thirds of the members thereof then present, a resolution to the following effect:

Resolution.

"Resolved, That the trustees of this (church, synod, presbytery, conference, assembly, lodge, grand lodge, or other association, as the case may be), to-wit: (A. B., C. D., etc., giving the names of the duly elected trustees or directors) be and are hereby authorized to incorporate this (church, synod, presbytery, conference, assembly, lodge, grand lodge, or other association, as the case may be), and for that purpose to file with the proper officer articles of incorporation as required

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by law." The trustees or directors named in such resolution must conduct the affairs of the corporation so formed until their successors are elected and qualified. In case two or more of the associations mentioned in this chapter own or are desirous of owning real or personal property conjointly and managing the same conjointly, where pecuniary profit is not the object, they may each by resolution adopted in the same manner as hereinabove provided in this section instruct their trustee or director, or trustees or directors, respectively, to act in conjunction in incorporating under the provisions of this chapter, and in the articles of incorporation, or in their respective by-laws, may provide for the annual election of the trustees of the corporation who shall succeed those named in the articles of incorporation.

Duties of trustees named in such resolution.

How two or more associations mentioned in this Chapter, owning or desiring to jointly own and injoy property, may incorporate and elect trustees of the corporation.

Section 4226. The trustees of directors of whom there must not be less than three and not more than thirteen in the aggregate, named in such resolution or resolutions may thereupon make, file and record in the office of the county clerk of the county where such association or associations is or are located, if such association or associations be local or subordinate associations, or in the office of the secretary of state if such association be a state, representative, supervisory, governing or grand organization or body articles of incorporation and must attach to such articles a copy of the resolution or resolutions provided for in Section 861 of the Civil Code, being Section 4225 of the Revised Code of Montana of 1907 certified to by the president or other presiding officer and the secretary or other recording officer of such meeting or meetings. In lieu of the requirements of Section 3818 (403) of this Code of such Articles of incorporation must contain the following:

Trustees shall not be less than three or more than thirteen.

Where articles of incorporation may be filed.

Copy of resolutions, certified by the president and secretary, must be attached to articles of incorporation.

Articles of incorporation, what to contain.

1. The name of the corporation.
2. The purpose for which it is organized.
3. The number of trustees or directors for the first year of the corporate existence of such incorporation.

Corporations so organized may have continual succession, have a common seal, elect all necessary officers, adopt by-laws not inconsistent with law and enforce the same by appropriate penalties, have the same rights as other corporations in prose-

Powers of corporations so organized.

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cuting and defending suits at law; may take and hold by purchase, gift, devise or bequest personal or real estate, and may use and dispose thereof only for the purpose for which the corporation is organized.

Repealing clause.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

When Act takes effect.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1909.

CHAPTER 102.

"An Act Prohibiting the Practice of Fortune Telling, Clairvoyancy, Palmistry and Astrology, and Prohibiting the Publishing, Distributing or Circulating, or Causing to be Published, Distributed or circulated, any Dodgers, Circulars, Pamphlets or Advertisements by, or on Behalf of any Person for the Purpose of Advertising or Holding out such Person as a Fortune Teller, Clairvoyant Palmist or Astrologist."

Be it enacted by the Legislative Assembly of the State of Montana:

Advertising or pretending to be a fortune teller, clairvoyant, palmist or astrologist forbidden.

Representing oneself to be able to foretell future events, find lost property or discover mines, ores, veins, metals or subterranean waters by means of fortune telling, clairvoyancy, palmistry or astrology, or by any other means.

Misdemeanor.

Section 1. That any person or persons who shall advertise or otherwise represent, pretend, or profess to be a fortune teller, clairvoyant, palmist or astrologist, or who shall, whether designating or representing himself or herself to be such or not, advertise or otherwise represent, pretend or profess to be able to fortell events with reference to any mannr of business transaction, courtship, marriage or divorce, or to be able to locate lost or stolen property, friends or relatives, or to locate or find mines, veins, ores, metals or subterannean waters, or who shall pretend or represent himself or herself to be able to tell or read, or predict, the fortune, future, present or past condition of any person or persons by means of fortune telling, clairvoyancy, palmistry or astrology, or any other means or device or shall pretend or represent himself or herself to be able to, or promise to affect the condition or future, or to bring about or effect the desires or fortune of any person or persons whomsoever, by such or any of such means or methods, shall be guilty of a misdemeanor, and

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upon conviction, shall be punished by a fine of not less than Twenty-five Dollars nor more than Three Hundred Dollars, or by imprisonment in the County jail for a period of not less than one nor more than three months, or by both such fine and imprisonment. Provided, however, that nothing in this Act shall be construed to prohibit or restrict investigation and experiment in the mental science, psychial research, theatrical exhibitions, and other public performance from the public stage.

Penalty.

Experiments in mental science, physical research and theatrical exhibitions and public performances not forbidden.

Section 2. That any person who publishes, distributes, circulates, or causes to be published, distributed or circulated any dodgers, circulars, pamphlets or advertisements holding out or advertising any person as a fortune teller, clairvoyant, palmist or astrologist or as being able to do any of the Acts or things prohibited by Section 1 of this Act, shall be guilty of a misdemeanor and punished by a fine of not less than Ten nor more than One Hundred Dollars.

Advertising any person as a fortune teller, clairvoyant, palmist or astrologist a misdemeanor.

Penalty.

Section 3. That the proprietor, editor, manager or any other person in charge of any newspaper or printing establishment, publishing or advertising any of the things prohibited by this act shall be guilty of a violation of the provisions of Section 2 hereof.

Proprietors, editors and managers of newspapers or printing establishments, publishing or advertising things herein prohibited.

Section 4. All acts and parts of Acts in conflict herewith, are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Act to take effect.

Approved March 6, 1909.

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CHAPTER 103.

An Act to Amend Sections 317, 318, 320, 325, 327 and 328, of the Revised Codes of Montana of 1907, Making the Jurisdiction of Notaries Public Co-extensive with the Boundaries of the State, and Relating to the Manner of Certifying their Official Acts, and Authorizing the Secretary of State and County Clerks to certify to the Official Character of Notaries Public, Providing the Fees Therefor, and the Execution and Approval of Their Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 317 amended.

Section 1. That Section 317, of the Revised Codes of Montana of 1907, be amended to read as follows:

Notary Public, appointment of.

Jurisdiction.

Section 317. The Governor may appoint and commission as many notaries public for the State of Montana as in his judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the State, irrespective of their place of residence within the State.

Revised Codes of 1907. Section 318 amended.

Section 2. That Section 318 of the Revised Codes of Montana of 1907, be amended to read as follows:

Qualifications of notary public.

Removal from State.

Section 318. Every person appointed as notary public, must, at the time of his appointment, be a citizen of the United States and of the State of Montana for at least one year preceding his appointment, and must continue to reside within the State of Montana. Removal from the State vacates his office and is equivalent to resignation.

Revised Codes of 1907. Section 320 amended.

Section 3. That Section 320 of the Revised Codes of Montana of 1907, be amended to read as follows:

Duties of notaries public.

To demand acceptance and payment bills of exchange and promissory notes. Protests of same for non-payment or acceptance. Other duties.

Section 320. It is the duty of a notary public:

1. When requested to demand acceptance and payment of foreign, domestic, and inland bills of exchange, or promissory notes, and protest the same for non-acceptance or non-payment, and to exercise such other powers and duties as by the law of Nations and according to commercial usages, or by the laws of any other State, government or country, may be performed by notaries, and keep a record of such acts.

Acknowledgments.

2. To take the acknowledgement or proof of powers of attorneys, mortgages, deeds, grants, transfers and other instruments of writing executed by any person, and to give a cer-

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tificate of such proof or acknowledgement, indorsed or attached to the instrument.

3. To take depositions and affidavits, and administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before any court, judge, officer, or board in this State. Depositions and affidavits.

4. When request and upon payment of his fees therefor, to make and give a certified copy of any record in his office. Certified copies of his official records.

5. To provide and keep an official seal, upon which must be engraved the name of the State of Montana, and the words, "Notarial Seal," with the surname of the Notary, and at least the initials of his Christian name. Official seal. Form of seal.

6. To authenticate with his official seal all official acts. In all cases when the notary public signs his name officially as a notary public, he must add to his signature the words, Notary Public for the State of Montana, residing at ————, (stating the name of his Post Office), and must endorse upon the instrument the date of the expiration of his commission. Authenticate his official acts with his seal. What to follow signature.

Section 4. Every person receiving a commission as notary public shall have jurisdiction to perform his official duties and acts in every county of the State of Montana, and every notary now holding a commission from the Governor of the State of Montana shall have like jurisdiction. Jurisdiction co-extensive with the State. Present notaries included.

Section 5. That Section 325 of the Revised Codes of Montana of 1907, be amended to read as follows: Revised Codes of 1907. Section 325 amended.

Section 325. Each notary public must give an official bond in the sum of one thousand dollars, which bond must be approved by the Secretary of State. Official bond.

Section 6. That Section 327 of the Revised Codes of Montana of 1907, be amended to read as follows: Revised Codes of 1907. Section 327 amended.

Section 327. The Secretary of State may certify to the official character of such notary public, and any notary public may file a copy of his commission in the office of any county clerk of any county in the State, and thereafter said county clerk may certify to the official character of such notary public. Certificate of official character by Secretary of State. By County Clerk.

Section 7. That Sections 328 of the Revised Codes of Montana of 1907, be amended to read as follows: Revised Codes of 1907. Section 328 amended.

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Fees of Secretary of State.

of County Recorder.

Section 328. The Secretary of State shall receive for each certificate of official character issued, with seal attached, the sum of one dollar. The county clerk of any county in this State, with whom a copy of notarial commission has been filed, shall receive for filing the same sum of fifty cents, and for each certificate of official character issued, with seal attached, the further sum of fifty cents.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 9. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1909.

CHAPTER 104..

"An Act to Amend Section 1959 of the Revised Codes of Montana of 1907, Relating to the Seizure and Sale of Game, or parts thereof, and of Fish, Caught or Held in Violation of Law and Prescribing Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1959 amended.

Section 1. That Section 1959 of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Game and Fish Warden or any of his deputies may institute and prosecute violations of the game laws of the State without giving security for costs.

Right and power of search.

Section 1959. The state game and fish warden, or deputy game and fish wardens, and special deputy game and fish wardens, may make complaints and cause proceedings to be commenced against any person for violation of any of the laws for the protection or propagation of game and fish in this state, and in such cases no bond or other security for costs shall be required. The game warden, or any of his deputies, shall have power to search any person and to examine any boat, conveyance, fish box, fish basket, game bag, or game coat, or any other receptical for game or fish when he has reason to believe that he will thereby secure evidence of a violation of the law. The game warden, or any of his deputies, shall at any and all times have the power and authority to seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at any time in

May seize without warrant any game or fish caught, taken or killed contrary to law.

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a manner or for a purpose contrary to law, and such search and seizure may be made without warrant.

Courts shall have jurisdiction to issue warrants for search, when.

Any court having jurisdiction of the offence, upon receiving proof of probable cause for believing that any bird, animal or fish caught, taken or killed is in the possession or under the control of, or concealed, by person contrary to any of the laws of this state shall issue a warrant and cause search to be made, and to that end may cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined by the game and fish warden, or any deputy game and fish wardens, or any special deputy game and fish warden, or any sheriff, deputy sheriff or constable. All birds, animals, fish, heads, hides, teeth, or other parts of any animal seized by any officer as herein provided shall be sold, under the direction of the state game warden, or his deputies, at a time, place and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the game warden, or his deputies, shall give notice of the time and place of such sale, together with a description of the bird or birds, fish, animal or animals, or parts or portions of animals, to be so sold by at least one publication in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable the same may be sold by such officers without publishing a notice thereof upon such public notice, and under such terms and conditions, as in the discretion of such officers may seem conductive to secure the full value thereof. Upon the sale of such property the office shall issue a certificate to the party purchasing the same certifying that the purchaser has the legal right to the possession of the same, and anyone so acquiring such property within this state shall have the right to deal therewith, without further question with respect to violation of the law, anything herein to the contrary notwithstanding. The money obtained upon the sale of such property shall be paid over to the court before whom the person

Entering any building, enclosure or car, and breaking any apartment, chest, box, crate, basket or package for examination by Game Warden or his deputies.

Sale of birds, animals, heads, hides and teeth, etc., by Game Warden.

Notice of sale.

Time of sale.

Perishable property seized, sold when.

Certificate of sale.

Proceeds of sale.

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having the same in possession at the time of seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said count of violation of the fish and game laws of this state, the money received from the sale of said property shall be paid over to the State Treasurer and be deposited by him to the credit of the fish and game fund, but should it be found that the party from whom the same was taken is not guilty of any violation of the game and fish laws of this state said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No officer shall be liable for any damages on account of any search, examination, seizure or sale as herein provided. The cost of advertising notice of sale, as herein required, shall be paid from the fish and game fund.

Officer not liable in damages on account of any such examination, seizure or sale herein provided.

Duty of wardens to make record of property confiscated.

Section 2. It shall be, and is hereby made, the duty of the game warden, and of every deputy game warden, to make a full and complete record of all property by them, or either of them, confiscated because of a violation of the game and fish laws of this state, showing, in detail, a description of the property, the person from whom it was confiscated, the price received therefor upon public sale, and the disposition of the money. The game warden shall keep in his office a permanent record showing all property confiscated by him or any of his deputies and the disposition made thereof under the provisions of this Act.

What record shall show.

Permanent record to be kept in office of Game Warden.

Game Warden or deputy guilty of a misdemeanor if he violates the provisions of this Act.

Section 3. Any game warden, deputy game warden, or special deputy game warden guilty of a violation of the provisions of this Act is guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not exceeding six months or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Penalty.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1909.

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CHAPTER 105.

"An Act to Require Railway Corporations, Operators, Agents or Person in Charge of Railroad, Telegraph or Telephone Stations to Report Delayed Trains, Prescribing the Method thereof, and Providing Penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. All railway corporations operating in the State of Montana upon the arrival of all passenger trains, at the first open telegraph or telephone station within the state shall report by telegraph or telephone stations within the State of Montana, at least 4 hours in advance of said train, to all stations on the route thereof at which said train is scheduled to stop, and to all railway telegraph or telephone stations located on branch lines over which there is a regular train carrying passengers, and which is scheduled to connect with the train first above referred to, whether the train is on time or late, and if the latter, the number of hours and mniutes the said train is behind its advertised schedule.

Railway corporations required to report trains at first open telegraph or telephone station four hours in advance of train.

To telephone and telegraph stations on branch lines.

Section II. No further report will be required relative to such train unless it shall gain time or shall become later than first reported, to the extent of thirty minutes, in which event every such additional thirty minutes delayed, or make up in time, must be reported to stations ahead at which such train is scheduled to stop either by telegraph or by telephone, at least five hours in advance of the arrival time of said train.

Loss or gain of time after first report must be reported to stations ahead.

Section III. Every operator, agent or person in charge of any telegraph or telephone station shall post a notice in a conspicious place in the station or waiting room showing such report on any such train, and when such station is connected by telephone with the central exchange in any town or city, he or she shall promptly notify such central exchange if the train is on time, or if late, the extent of loss of time.

Operator to post notice in the station or waiting room showing the report of time of trains, and shall report to central station of connected telephone system in the city or town whether the train is on time or late.

Section IV. Any railway or railroad corporation, operator, agent or person in charge of the telegraph or telephone station who shall fail, neglect or refuse to post said notice correctly, or advise such central exchange shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offense not less than Twenty-Five and not more than Two Hundred Dollars.

A violation of this Act shall be deemed a misdemeanor.

Penalty.

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Section V. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VI. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1909.

CHAPTER 106.

"An Act to Amend Sections 3808, 3825 and 3826 of the Revised Codes of Montana, of 1907, relating to Corporations, and to authorize Corporations to Acquire, Own, Hold, Mortgage, Pledge, and Dispose of Capital Stock, Bonds, Securities, or other Evidences of Indebtedness of other Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3808 amended.

Section 1. That Section 3808 of the Revised Codes of Montana, of 1907, (being Section 393 of the Civil Code of Montana of 1895) be and the same is hereby amended to read as follows:

Purposes for which private corporations may be formed.

Section 3808. (Sec. 393.) The purposes for which the private corporations mentioned in the last section may be formed are:

1. The support of public worship.

2. The support of any religious, benevolent, charitable educational or missionary undertaking.

3. The support of any literary or scientific undertaking, the maintenance of a library or the promotion of painting, music or other fine art.

4. The encouragement of agriculture and horticulture.

5. The maintenance of public parks, and of facilities for skating and other innocent sports.

6. The maintenance of a club for social enjoyment.

7. The maintenance of a public or private cemetery.

8. The prevention and punishment of theft or wilful injuries to property and insurance against such risks.

9. The insurance of human life, dealing in annuities, and the insurance of fidelity of persons holding places of public or private trust.

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10. The insurance of human beings against sickness or personal injury.

11. The insurance of the lives of domestic animals or their loss or damage.

12. The insurance of property against marine risks.

13. The insurance of property against loss or injury by fire, or any of the elements, or by accident, or by any risk of inland transportation.

14. The transaction of any banking business or trust deposit and security business, and the insurance of the safe keeping of all kinds of personal property.

15. The construction and maintenance of a railroad and of a telegraph line in connection therewith and a street railroad of any kind.

16. The construction and maintenance of any other species of roads, and of bridges in connection therewith.

17. The construction and maintenance of a bridge.

18. The construction and maintenance of a telegraph line, telephone or electric light line.

19. The establishment and maintenance of a line of stages.

20. The establishment and maintenance of a ferry.

21. The carriage of property and persons by express.

22. The building and navigation of steamboats and carriage of persons and property thereon.

23. The supply of water to the public.

24. The manufacture and supply of gas, or the supply of light or heat to the public by any other means.

25. The transaction of any mercantile, commercial, industrial, manufacturing, mining, mechanical, or chhemical business.

26. The transaction of a printing and publishing business.

27. The erection of buildings and the accumulation and loan of funds for the purchase of real estate.

28. The establishment and maintenance of a hotel.

29. The improvement of the breed of domestic animals by importation, sale or otherwise.

30. The transaction of the business of raising, buying and selling cattle, horses and sheep; or

31. The construction of canals, ditches, flumes, and other

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works for conveying water, and reservoirs for storing the same, and the boring of artesian wells.

32. To purchase or otherwise acquire, own, hold, mortgage, pledge, sell, assign, transfer, or otherwise dispose of shares of the capital stock of, or any bonds, securities, or other evidences of indebtedness created by, any other corporation or corporations wherever organized, with all the rights, powers, and privileges of ownership thereof. Provided, however, that it is not intended hereby to give the right to exercise any of the powers or purposes in this subdivision mentioned in any case where it is forbidden so to do by any provision of the Constitution or Statutes of the United States of America or the State of Montana. No corporation must be formed for any other purpose than those mentioned in this Section.

Revised Codes of 1907. Section 3825 amended.

Section 2. That Section 3825 of the Revised Codes of Montana, of 1907, (being Section 411 of the Civil Code of Montana,) of 1895, as amended by the Act of the Tenth Legislative Assembly of Montana, approved March 7, 1907, be and the same is hereby amended to read as follows:

Corporations, how formed.

Section 3825. Corporations how formed. At any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business; of digging ditches, of building flumes or running tunnels; of purchasing, holding, developing, improving, using, leasing, selling, conveying or otherwise disposing of water powers and the sites thereof and lands necessary or useful therefor, or for the industries and habitations arising or growing up, or to arise or grow up, in connection with or about the same; of purchasing, holding, laying out, platting, developing, leasing, selling, dealing in, conveying or otherwise using or disposing of townsites or towns or the lots, blocks or subdivisions thereof, or lots, blocks or subdivisions in any town village, or city; or of carrying on any other branch of business designed to aid in the industrial or productive interests of the country and the development therefore of one or more of the aforesaid branches of business, or for any of the purposes for which private corporations may be formed, as set

Number of incorporators.

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forth in Section 3808 (393) of this Code, as amended by the foregoing Section, or as the same may be hereafter amended, must prepare, sign, acknowledge, and file articles of incorporation in the office of the county clerk of the county in which the principal business of the company is to be transacted, and a copy thereof certified by the county clerk, with the Secretary of State, whereupon the Secretary of State must issue to the corporation over the great seal of the State, a crtificate that a copy of the articles, containing the required statement of facts has been filed in his office. Thereupon the persons signing the articles and their associates and successors, shall be a body politic and corporate by the name stated in the certificate, and for a term of forty years, unless in the articles of incorporation otherwise stated, or in this code otherwise specially provided, but in no case where not otherwise specially provided in this code, must such term exceed forty years; provided, however, that no articles of incorporation shall be accepted and filed by the Secretary of State which designate a name for the proposed corporation which is the same as that of any existing domestic corporation, or which in the judgment of the Secretary of State is so similar to the name of any existing domestic corporation as to mislead or confuse persons dealing with such corporations; and provided further, that nothing herein shall effect the present term of existence of any corporation heretofore incorporated under this Section for a period of forty years.

Must execute and file articles of incorporation.

Secretary of State must issue certificate of the filing of the articles.

Time for which company is incorporated.

Limit of duration.

Name of corporation must not be the same as that of any existing corporation.

Term of existing corporations not affected.

Section 3. That Section 3826 of the Revised Codes of Montana of 1907, (being Section 412 of the Civil Code of Montana of 1895,) be and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 3826 amended.

Section 3826 (Sec. 412.) May extend term of existence and increase stock, etc.—Any corporation or company heretofore formed either by special act or under the general law, and now existing, or any company which may be formed under this Chapter, or which has elected or may elect to continue its existence under the provisions of the Codes of Montana, may increase or diminish its capital stock, by complying with the provisions of this Chapter, to any amount which may be deemed sufficient and proper for the purpose of the corporation,

A corporation may increase or decrease its capital stock.

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May extend its business.

and may also extend its business to any other branch named in Sections 3808 (393) or 3825 of this Chapter, as amended by the foregoing Section, or as the same may be hereafter amended, and may also extend the term of its existence, subject to the provisions and liabilities of this Chapter; provided, however, that no corporation shall have power under this Chapter to extend the term of existence for a period longer than will make the terms of existence of said corporation longer in all than forty years from the date of its original incorporation; and before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capitol; and any existing company heretofore formed under any special act may come under and avail itself of the provisions, and thereupon such company, its officers and stockholders, shall be subject to all restrictions, duties and liabilities of this Chapter.

May extend the term of its existence.

Limit of term.

Must not diminish its capital stock so that the same will not be less than its existing liabilities.

Existing companies may avail themselves of the provisions of this Act.

Section 4. Any corporation, formed under the laws of the Territory or State of Montana, whether previous to or since the taking effect of the Codes on July 1, 1895 or hereafter to be formed, may purchase or otherwisce acquire own, hold, mortgage, pledge, sell, assign, transfer or otherwise dispose of shares of the capital stock of, or any bonds, securities or other evidence of indebtedness created by, any other corporation or corporations, wherever formed or organized, and while such owner may exercise all the rights, powers and privileges of ownership, including the right to vote upon such stock; provided, however, that it is not intended hereby to give the right to exercise any of the powers or purposes in this Subdivision mentioned in any case where it is forbidden so to do by any provision of the Constitution or Statutes of the United States of America or the State of Montana.

Any domestic corporation may hold, own or acquire by purchase or otherwise shares of the capital stock or he securities of any other corporation and may sell, pledge or otherwise dispose of the same.

Proviso.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Provided however, that nothing in this Act shall be construed as repealing any of the provisions of House Bill No. 310, passed by the 11th Legislative Assembly, known as the Anti-Trust Bill.

Repealing clause.

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Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1909.

CHAPTER 107.

"An Act Providing for the Temporary Floors and Safe Scaffolding in Buildings during the Erection thereof, for the Protection of the Persons working thereon."

Be it enacted by the Legislative Assembly of the State of Montana:

Scaffolds used on buildings shall be safely supported; how constructed.

Section 1. That all scaffolds erected in this State for the use in the erection, repair, alteration or removal of buildings, shall be well and safely supported, and sufficient width, and properly secured, so as to insure the safety of persons working thereon or passing thereunder, or by the same, and to prevent the falling thereof, or of any material that may be used, placed or deposited thereon.

Duty of those having control or supervision of the construction of buildings having more than three framed floors.

Section 2. It shall be the duty of every owner, person or corporation who shall have the direct and immediate supervision or control of the construction or remodeling of any building having more than three framed floors, whether some or all of said floors are above or below the established street grade, to provide and lay upon the upper side of the joists or girders, or both, of the first floor below the riveters and structural street setters, a plank floor, which shall be laid to form a good substantial temporary floor for the protection of employes and all persons engaged above or below or on such temporary floor in such building.

Proviso.

Provided, however, that where the permanent floor is in place on the floor herein required to be planked, a temporary protective floor, shall not be required.

Floors.

If the floor or permanent floor of the second floor, or of any other floor above the second, or roof, is being placed previous to the permanent floor immediately below the floor which is being arched or planked, a good substantial temporary floor shall be laid on the joists and girders of the next lower floor. For the purpose of this section the lowest framed floor in the building shall be considered the first floor.

Definition of "lowest framed floor."

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Protection of persons working on scaffolds on the outside of buildings more than three stories high.

Section 3. In buildings more than three stories high where persons are working on a scaffold or scaffolds on the outside of such buildings, such persons shall be protected by well secured planking, set over the heads of such persons for the full width of the scaffolding on which they are working if another story or stories are being raised above such persons during the time they are working on such outside scaffold or scaffolding.

Stairways, elevator openings, flues and other openings in buildings more than thirty feet high shall be covered.

Section 4. It shall be the duty of all owners, contractors, builders, or persons having the direct and immediate control or supervision of any buildings in course of erection which shall be more than thirty feet high, to see that all stairways, elevator openings, flues and all other openings in the floors shall be covered or properly protected, provided, further, that

Toilets to be maintained in buildings being constructed of more than three stories in height.

wherever such building or buildings over three stories high are being erected in any city or town, other than a residence, temporary toilets in or convenient to such building shall be maintained for the convenience of employes.

Penalty for violating any provisions of this Act.

Section 5. Any person violating any of the provisions of the foregoing Sections shall be fined not less than One Hundred Dollars nor more than Two Hundred Dollars for each offense. It is hereby made the duty of the building inspector, his deputy or other authorities in any county, city, town or village in the State, through the county attorney or any other

Duty of building inspector.

attorney, in case of failure of such owner, person or corporation to comply with this Act promptly, to take the necessary steps to enforce the provisions of this act.

When Act shall take effect.

Section 6. This act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1909.

CHAPTER 108.

"An Act to Regulate the Public Service of Stallions and Jacks in Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Pedigrees of stallions and jacks used for public service shall be enrolled by the Stallion Registration Board.

Section 1. Every person, firm or company, standing or using any stallion or jack for public service in this State shall cause the name, description and pedigree of such stallion or

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jack to be enrolled by a Stallion Registration Board, hereinafter provided for, and shall secure a license from said Board as provided for in Section 3 of this Act. All enrollment and verification of pedigree shall be done by said Board.

Stallion Registration Board established.

Section 2. In order to carry out the provisions of this act, there shall be constituted a Stallion Registration Board, whose duty it shall be to verify and register pedigrees; to employ one or more competent graduate veterinarians to make examinations of the stallions for soundness, at one or more points in each county in the State; to pass upon certificates of veterinary examination; to issue stallion license certificate; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this Act. Said Board shall hold an annual meeting at the College of Agriculture in Bozeman the first Tuesday of February and such other meetings as may be necessary.

Duties.

Board shall hold annual meetings at Agricultural College at Bozeman.

Who shall compose board.

Section 3. The Stallion Registration Board shall be composed of the President of the Montana Horse Breeders' Association, the State Veterinarian, and the Professor of Animal Husbandry at the Montana Experiment Station, who shall be secretary and executive officer of this Board.

Certificate for license, application for.

Section 4. In order to secure the license certificate herein provided for, the owner shall apply for such to the Stallion Registration Board, after the stallion or jack has been examined for soundness. The owner of such stallion or jack shall furnish to the Stallion Registration Board the veterinary certificate, and book registry certificate of pedigree of the stallion or jack and all other necessary papers relating to his breeding and ownership. Upon verification of pedigrees and certificate of breeding a stallion or jack certificate shall be issued to the owner.

Owner shall furnish veterinary certificate and book registry certificate of pedigree.

Stallion or jack certificate to be issued.

Disqualifying diseases.

The presence of any one or more of the following named diseases shall disqualify a stallion or jack for public service, except such stallions or jacks as were in public use, or held for sale for public use at the time of the enactment and passage of this Act; such diseases or unsoundness hereby defined as infectious, contagious or transmissible diseases or unsoundness for the purpose of this Act; cataract, amaurosis,

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laryngeal, hemiplegia, (roaring or whistling), chorea, (St. Vitus Dance, crampiness, shivering, springhalt), bone spavin, ringbone, sidebone, glanders, farcy, maladie de coit, urethral gleet, mange, melanosis and curb when accompanied by curby hock.

Board may refuse to issue certificate of enrollment, or revoke outstanding certificate, when.

The Stallion Registration Board is hereby authorized to refuse certificate of enrollment to any stallion or jack affected with any one of the diseases specified, and to revoke previously issued stallion license certificate of any stallion or jack found on examination to be so affected, except stallions or jacks in the state at the time of the enactment and passage of this Act.

When stallion or jack may not stand in State.

No stallion or jack shall stand for public service in the State of Montana which is deformed or so badly diseased as to be in the opinion of the Stallion Registration Board wholly unfit for breeding purposes, and said Board are hereby authorized to refuse license certificate and registry for said animal.

Temporary licenses, when may be issued.

Section 5. The Stallion Registration Board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon the receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse or jack is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

How long valid.

When certain diseases shall be described in certificate.

Stallions or jacks in the state previous to the passage and enactment of this law shall have described in their license certificate any hereditary disease or unsoundness referred to in Section 4 of this Act.

Stallions and jacks imported into State.

Section 6. Every person, firm or company, importing any stallion or jack into the State of Montana, for breeding purposes, shall first secure a certificate from a recognized State or Federal veterinary officer, certifying that said animal is free from any or all diseases or unsoundenss referred to in Section 4 of this Act.

Certificate must be mailed to secretary of board before importation.

A copy of this certificate must be mailed to the Secretary of the Stallion Registration Board, at the Montana Experimental Station, Bozeman, Montana, at least ten days before the importation of said stallion or jack into the State.

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Pure bred or grade only can be imported.

No stallion or jack which is neither pure bred nor grade according to the meaning of this Act shall be imported into this State for breeding purposes.

Owner must post certificate of license.

Section 7. The owner of any stallion or jack standing for public service in this State shall post and keep affixed during the entire breeding season copies of the license certifiates of such stallion or jack, issued under the provisions of this Act, in a conspicious place upon the main door leading into every stable or building where said stallion or jack stands for public service. Said copies shall be printed in bold face and conspicious type, not smaller than small pica, especially the words "pure bred," "grade," etc.

Printing.

Form of license certificate of pure bred animals registered in recognized stud books.

Section 8. The license certificates issued after proper examination for a stallion or jack whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the United States Department of Agriculture, or in any American stud book or registry association that recognizes and records stallions or jacks that have five (5) pure top crosses, shall be in the following form:

Stallion Registration Board License Certificate Of Pure Bred Stallion or Jack.

The pedigree of the stallion (name) ..... owned by ....., bred by ..... described as follows ....., color ..... breed ....., foaled in the year ....., has been examined by the Stallion Registration Board of Montana, and it is hereby certified that the said stallion is of pure breeding, is registered in a stud book recognized by the Department of Agriculture, Washington, D. C. The above named stallion or jack has been examined by the veterinarian appointed by the Stallion Registration Board, and is reported as free from infectious, contagious, or transmissible disease or unsoundness (or is affected with .....) and is licensed to stand for public service in the State of Montana.

Signed .....
Secretary of the Stallion
Registration Board of Montana.

The license certificate issued after proper examination for a stallion or jack whose sire or dam, but not both, is of pure

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Form of license certificate when either dam or sire is not pure bred.

breeding shall be in the following form:

Stallion Registration Board.

License Certificate of Grade Stallion Or Jack.

The pedigree of the stallion (name) ..... owned by ....., bred by ..... described as follows ....., color ..... breed ....., foaled in the year ....., has been examined by the Stallion Registration Board of Montana, and it is hereby certified that the said stallion or jack is not of pure breeding and is, therefore, not eligible for registration in any stud book recognized by the Department of Agriculture, Washington, D. C.

The above named stallion or jack has been examined by the veterinarian appointed by the Stallion Registration Board and is reported free from infectious, contagious, or transmissible disease or unsoundness, (or is affected with .....) and is licensed to stand for public service in the State of Montana.

Signed .....
Secretary of the Stallion
Registration Board of Montana.

Bills, posters and advertisements, what to contain.

Section 9. Every bill, poster, or advertisement issued by the owner of any stallion or jack licensed under this Act, or used by him for advertising such stallion or jack shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading.

Fees for examination certificate, enrollment and issuing of license.

Section 10. A fee of Fifteen Dollars ($15.00) in the case of pure bred stallions or jacks, and of Ten Dollars ($10.00) in the case of grade stallions or jacks shall be paid to the Secretary of the Stallion Board for the veterinary examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion as above provided. A fee not exceeding Two Dollars ($2.00) shall be paid annually for the renewal of the pedigree certificate and service license. Stallions or jacks shall be examined every four years, until ten years of age, and after the first examination shall be exempt from examination at ten years of age and over.

Renewal fee.

How often examined.

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Transfer of license certificate with transfer of ownership of animal.

Section 11. Upon a transfer of the ownership of any stallion or jack licensed under the provisions of this Act, the license certificate may be transferred by the Secretary of this Board to the transferee upon the submittal of satisfactory proof of such transfer of ownership and upon the payment of One Dollar ($1.00).

Fee.

Penalty for violating any provision of this Act.

Section 12. Any person or persons knowingly or wilfully violating any of the provisions of this Act shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), or by imprisonment for not less than thirty days or more than six months, or by fine and imprisonment for each offense.

Funds accruing from fees, how used.

Section 13. The funds acruing from the above named fees shall be used by the Stallion Registration Board to defray the expenses of veterinary examination, of enrollment of pedigrees and issuance of licenses. Any funds not so used shall be used to publish reports or bulletins containing lists of stallions examined; to encourage the horse and mule breeding interests of this State; to disseminate information pretaining to horse breeding, and for any other such purposes as may be necessary to carry out the purposes and enforce the provisions of this Act.

Board must make annual reports to the Governor.

Section 14. It shall be the duty of this Board to make annual report, including financial statements, to the Governor of the State, and all financial records of said Board shall be subject to inspection at any time by the public examiner.

Range stallions not included in Act.

Section 15. No part of this Act shall apply to stallions turned upon the open range, and the term "Standing for Public Service" is hereby defined as the service of a stallion for a fee when said stallion is stood at one or more places for public use where in all more than five mares are served in one season.

Railroad companies shall not transport uncertified stallions or jacks into State.

Section 16. No railroad company, transportation company, or common carrier, shall transport into the State of Montana any stallion or jack unless accompanied by a State or Federal veterinary certificate as provided in Section 6 of this Act. Violation of this provision shall be punished as provided in Section 13 of this Act.

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Repealing clause.

Section 17. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section 18. This Act shall take effect from and after the date of its passage and approval.

Approved March 8, 1909.

CHAPTER 109.

"An Act to make Foreign Corporations and Joint Stock Companies Corporations and Joint Stock Companies of this State for purposes of Jurisdiction and to make the Stocks and Shares of such Corporations and Joint Stock Companies Subject to Attachment the same as the Stocks and shares of Domestic Corporations are now subject to Attachment under the Laws of this State."

Be it enacted by the Legislative Assembly of the State of Montana:

Foreign corporations or joint stock companies shall be deemed and taken for purposes of jurisdiction corporations of this State.

Section 1. All foreign corporations or joint stock companies, except foreign insurance companies and corporations otherwise provided for, organized under the laws of any other state or territory of the United States, or, of the United States. or of any foreign government, and doing business in this state, or, which may hereafter engage in business in this State, shall be deemed and taken to be corporations of this State for purposes of jurisdiction and, shall be subject to the jurisdiction of the Courts of this state, and may sue and be sued therein in the mode and manner that is, or, may be by law directed in the case of corporations created or organized under the laws of this state.

Stock and shares of foreign corporations and joint stock companies subject to attachment in same manner as that of domestic companies.

Section 2. The stocks or shares of such foreign corporations and joint stock companies, doing business in this State shall be subject to attachment in the same manner as now provided by law in the case of domestic corporations.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect from and after its passage and approval.

Approved March 8, 1909.

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CHAPTER 110.

An Act Relating to the Payment of Deposits in Two Names.

Be it enacted by the Legislative Assembly of the State of Montana:

Deposits made in banks and other financial institutions in the name of two persons may be paid either of said persons.

Section 1. When a deposit has been made, or shall hereafter be made, in any bank, savings bank, banking institution, or trust company, transacting business in this State, in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank for any payment so made.

When Act shall take effect.

Section 2. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 8, 1909.

CHAPTER 111.

"An Act to Repeal Section 2270 of the Revised Codes, relative to the entry, Settlement and Forfeiture of Lands Reclaimed by the State Under the 'Carey Land Act'."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 2270 repealed.

Section 1. Section 2270 of the Revised Codes be and the same hereby is repealed.

All conflicting Acts repealed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 8, 1909.

CHAPTER 112.

"An Act Relating to Banks and Banking and Providing for the Creation of a Surplus Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Directors of banks, savings banks, trust and security companies may declare dividends, when.

Section 1. The directors of any banking corporation, trust deposit and security company or savings bank, organized under the laws of Montana, or any foreign corporation or

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branch thereof doing a banking business in Montana, may declare a dividend from the net earnings after deducting all losses, provided that before any such dividend shall be declared, ten per cent of the Amount available for such a dividend shall be set aside into a surplus fund, until said surplus fund shall amount to twenty per cent of the capital stock of such corporation.

Surplus fund.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1909.

CHAPTER 113.

"An Act to Provide for Non-Partisan Nominations for Judicial Offices."

Be it enacted by the Legislative Assembly of the State of Montana:

Nominations of judicial officers, how made.

Section 1. Hereafter all nominations for judicial offices shall be made only in the manner provided by Section 1313 of the Political Code of the State of Montana.

Certificate of nomination of a candidate for any judicial officer not to be filed when not made in accordance with Section 1313, Political Code of Montana.

Sction 2. No officer, authorized or required by any statute of this state to file any papers or certificates reciting the nomination of candidates for public office, shall receive for filing, or place on file, any certificate or paper reciting the nomination of any candidate for any judicial office except such nomination be made pursuant to the provisions of said section 1313 of the Political Code.

Repealing clause.

Section 3. All acts and parts of acts in conflict with this act are hereby repealed.

When Act takes effect.

Section 4. This act shall be in force and effect after its passage and approval by the Governor.

Approved March 8, 1909.

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CHAPTER 114.

"An Act to Amend Section 6315 of the Revised Codes of Montana, Concerning the Disqualification of Judges."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6315 of the Revised Codes of Montana, be amended so as to read as follows:

Revised Codes of 1907. Section 6315 amended.

Section 6315. Any justice, judge or justice of the peace must not sit or act as such in any action or proceeding:

When judges and justices of the peace shall not sit.

1. To which he is a party, or in which he is interested.

A party to the action.

2. When he is related to either party by consanquinity or affinity within the sixth degree, computed according to the rules of law.

Related to either party.

3. When he has been attorney or counsel for either party in the action or proceeding, or when he rendered or made the judgment, order or decision appealed from.

Has been attorney for either party.

4. When either party makes and files an affidavit as hereinafter provided, that he has reason to believe, and does believe, he cannot have a fair and impartial hearing or trial before a District Judge by reason of the bias or prejudice of such judge. Such affidavit may be made by any party to an action, motion or proceeding, personally, or by his attorney or agent, and shall be filed with the Clerk of the District Court in which the same may be pending at any time before the day appointed or fixed for the hearing or trial of any such action, motion or proceeding. Upon the filing of the affidavit, the judge as to whom said disqualification is averred, shall be without authority to act further in the action, motion or proceeding, but the provisions of this Section do not apply to the arrangement of the calendar, the regulation of the order of business, the power of transferring the action or proceeding to some other Court, nor to the power of calling in another district judge to sit and act in such action or proceeding. No more than two judges can be disqualified for bias or prejudice, in said action or proeceding, at the instance of the plaintiff, and no more than two at the instance of the defendant in said action or proceeding, and this limitation shall apply however many parties or persons in interest may be plaintiffs or defendants in such action or proceeding. If there be more than one Judge in any Judicial district in which said affidavit

Affidavit of bias or prejudice of judge. Number of judges who may be disqualified by affidavit of bias or prejudice.

Calling in another judge of same district.

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is made and filed, upon the first disqualification of a Judge in the cause, another Judge, residing in the judicial district wherein the affidavit is made and filed, must be called in to preside in such action, motion or proceeding; and upon the second or any subsequent disqualification of a Judge in the cause, a District Judge of another judicial district of the State must be called in to preside in such action, motion or proceeding, or the action, motion or proceeding transferred to a District Judge of another judicial district of the State..

Calling in a judge from another district.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved March 8, 1909.

CHAPTER 115.

"An Act to Provide for the Selection of Umpire Assayers within this State and Providing Penalties for the Violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Umpire assayers, by whom and when appointed.

Section 1. Any person, association or corporation engaged in the sampling of ores with intent to purchase or smelt the same whether for themselves or as the agent or agents for other purchasers shall, on or before the Tenth Day of April, One Thousand Nine Hundred and Nine, choose an assayer or assayers who, for at least one year prior to the passage of this Act, shall have operated an assay office or chemical labratory within this State, and to such selected assayer or assayers shall be submitted all samples of ore, sampled by such person, association or corporation, over which there is a dispute as to metalic contents or value, between the buyer or sampler and the seller of such ore. Said chosen assayor or assayers shall be known as the umpire or umpires for such person, association or corporation.

Qualifications.

When ore samples to be submitted to.

Definition.

Notice of selection of assayers, when and where posted.

Section 2. Upon the selection of such assayer or assayers, who shall be actively engaged in the assaying business in this State, every person, association or corporation selecting the same shall, within ten days after such choice is made, post a

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notice of such choice in which shall appear the name of the assayer or assayers so selected, in a conspicious place within and without the room or house where the sampling of ores is carried on by such person, association or corporation.

Failure to comply with requirements of Act a misdemeanor.

Section 3. Every person, association or corporation engaged in the sampling of ores belonging to others who fails to comply with the provisions of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars nor less than Five Hundred Dollars.

Penalty.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1909.

CHAPTER 116.

"An Act Prohibiting the Abandonment of sheep by Herders and others fixing Penalties therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Willful abandonment of sheep by herder or driver.

Section 1. Every person who, having, by virtue of his employment as herder, driver or otherwise, the charge or custody of any sheep, shall wilfully abandon the same, or allow them to stray from his charge or custody, shall, upon conviction, be punished by a fine of not less than One Hundred Dollars, or by imprisonment of not less than three months nor more than one year, or by both such fine and imprisonment; Provided, that if the person so in the charge or custody of such sheep shall have given to the owner of such sheep, or his authorized agent, at least five days notice of his intention to quit his employment, he shall not be deemed to have abandoned such sheep, within the meaning of this act, by leaving the same after the expiration of such period.

Penalty.

Proviso.

Notice of intention to quit employment.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1909.

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CHAPTER 117.

An Act to Amend Section 1497, Revised Codes of Montana of 1907, relating to Expenses incurred by Counties, Cities and Towns in caring for Persons Afflicted with Communicable Diseases.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1497 amended.

Section 1. That Section 1497 of the Revised Codes of Montana, be, and the same is hereby amended so as to read as follows:

expense of local boards of health, how paid.

Section 1497. All necessary expenses incurred by any local board of health and the salary of each local health officer, shall be paid from the treasury of the respective city or town, on presentation of an itemized and verified account; and all

Expenses of county boards of health, how paid.

expenses incurred by a county board of health in the enforcement of the provisions of this Act, shall be paid from the general fund of the respective counties, on presentation of an itemized and verified account. The city or town shall be liable for all expenses incurred with reference to residents of such city or town, except paupers and the county shall be

Cities and towns liable for what expenses. Counties liable for what expenses.

liable for all expenses incurred with reference to persons who are not residents of such city or town; provided, that persons who are merely sojourning in such city or town, or delayed by the authorities, or transients therein, or temporarily stopping therein without employment shall not be deemed residents of such city or town. The county shall be liable for all

Proviso.

Further liabilities of counties and of cities and towns.

expenses necessarily incurred by any local board of health with respect to any person not a resident of the city or town, and the city shall be liable for all expenses necessarily incurred by any county board of health with reference to any person except paupers who is a resident of such city or town. No county, city or town shall escape any such liability for

Cannot escape liability by transporting inflicted persons.

such expenses by transporting any person infected with, or known to have been exposed to, any communicable disease to any other county, city or town, or by persuading or inducing such person to go to such other city or town, or county.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1909.

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CHAPTER 118.

"An Act to Provide for the Distribution to and among the various counties entitled thereto, of the money derived from Forest Reserves in the State of Montana, under an Act of Congress approved June 30, 1906."

Be it enacted by the Legislative Assembly of the State of Montana:

The State Treasurer shall distribute the fund derived from the forest reserves among the different counties as follows.

Section 1. That the state treasurer, for the purpose of carrying out the provisions of the "Agricultural Appropriation Bill, passed by Congress, and approved June 30th, 1906," shall divide and distribute the money derived by the state of Montana thereunder, to-wit: the sum of sixty-one thousand, nine hundred and forty-one dollars, and forty-six cents ($61,941.46) among the various counties hereinafter named as herein provided, and for that purpose shall draw his warrants for the amounts herein specified, payable to the treasurer of the various counties, entitled thereto, as follows:

	Acres.	Amount.
Broadwater County	227,825	$ 681.36
Beaverhead County	1,485,600	4,521.73
Lewis & Clark County	815,310	2,477.66
Cascade County	454,400	1,362.71
Custer County	675,173	2,044.07
Choteau County	63,920	185.82
Carbon County	416,013	1,238.83
Deer Lodge County	336,640	1,053.08
Flathead County	5,109,180	15,485.36
Fergus County	235,520	743.30
Gallatin County	835,305	2,539.60
Jefferson County	525,520	1,610.48
Madison County	1,052,280	3,220.96
Meagher County	739,550	2,229.89
Missoula County	1,394,590	4,273.96
Park County	894,970	2,725.42
Powell County	611,840	1,858.25
Rosebud County	60,800	185.83
Ravalli County	1,164,880	3,530.66
Silver Bow County	186,240	557.47
Sanders County	1,104,640	3,344.84
Sweet Grass County	456,320	1,362.71

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Teton County	852,480	2,601.54
Granite County	703,680	2,106.01

The County Treasurers shall divide the amounts received by them equally, between the General School fund and the General Road fund.

Section 2. The said county treasurers upon the receipt of the said amounts of money shall divide the same equally between and credit it to the General School Fund, and the General Road Fund of their several counties.

How the State Auditor shall divide amounts received in the future under said Act of Congress.

Section 3. Hereafter, and until otherwise provided by law, the state auditor, as soon as practicable after money is received by the state treasurer, under and by virtue of the provisions of the act of congress referred to in section one of this act, shall make division and distribution of such money among and to the various counties of the state in the proportion that the number of acres of land of each county included within, and forming a part, of forest reserves bears to the total number of acres of land included within, and forming a part, of all forest reserves within the state of Montana, such number of acres to be ascertained and determined from the report of the district forester, which report shall be certified as correct by the state engineer. As soon as the several amounts due the various counties is ascertained, the state auditor shall draw his warrants for said several sums, payable to the treasurer of the county entitled thereto, and said county treasurer, upon the receipt of said sum of money, shall make distribution thereof in the manner provided in section 2 of this act.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after its passage and aproval.

Approved March 8, 1909.

CHAPTER 119.

"An Act to Amend Section 3119 of the Revised Codes of Montana, relating to the Maximum number of Deputy Clerks and Sheriffs."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3119 of the Revised Codes be amended so as to read as follows:

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Section 3119. Maximum number of Deputy Clerks and Sheriffs.

Deputies. Number allowed County Clerks in different class counties.

The whole number of Deputies allowed the County Clerk in Counties of the First and Second Class must not exceed six; in Counties of the Third Class, three; in Counties of the Fourth and Fifth Class, two; in Counties of the Sixth, Seventh and Eighth Class, one. The whole number of Deputies allowed the Clerk of the District Court in Counties of the First and Second Class must not exceed one Chief Deputy, and Deputies to the number of six; in Counties of the Third and Fourth Class having more than one District Judge, four; in Counties of the Third and Fourth Class having One District Judge, two; in Counties of the Fifth, Sixth, Seventh and Eighth Class, one. The whole number of Deputies allowed the Sheriff is one Under Sheriff, and in addition not to exceed the following number of Deputies: In Counties of the First and Second Class, six; in Counties of the Third and Fourth Class, two; in Counties of the Fifth, Sixth, Seventh and Eighth Class, one. The Sheriff in Counties of the First, Second and Third Class may appoint two Deputies; in the Fourth, Fifth, Sixth, Seventh and Eighth Class, one Deputy, who shall act as jailor at a salary not to exceed Ninety Dollars ($90.00) per month.

Number allowed Clerks of District Courts in different class counties.

Number allowed Sheriffs in different class counties.

Section II. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section III. This Act shall be in full force and effect on and from its passage and approval.

Approved March 8, 1909.

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CHAPTER 120.

An Act to Provide for the deposit and disbursement of money received from the investment of the permanent funds of the State Educational Institutions, and from the leasing of lands granted by the Federal Government to such Institutions, to be known and designated as the "Interest and Income Funds" of each of such Institutions; reducing the appropriations from the General Fund; and providing for reports by said Educational Institutions of all moneys received from appropriations made to them under the laws of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

All monies received from the investment of the permanent funds of State educational institutions and Reform School and from leasing of lands granted thereto shall be deposited monthly with State Treasurer to the credit of said institutions.

Section I. All moneys received from the investment of the permanent funds of the University of Montana, the Agricultural College of Montana, School of Mines of Montana, State Normal School of Montana, State Reform School of Montana, and Deaf and Dumb School of Montana, and all money received from the leasing of lands granted to said institutions shall at the close of each calendar month be deposited with the State Treasurer of Montana for each of such Institutions to the credit of what shall be known and designated as the "Interest and Income Fund" of each of said institutions.

Interest and income fund.

Money to be paid out only on warrant of the State Auditor drawn on account of support and maintenance of such institutions.

Section II. The money received by the State Treasurer under the provisions of Section 1 of this Act shall be paid out by him only on warrant issued by the State Auditor in payment of claims for expenses actually incurred for the support and maintenance of the institution filing the same, and the State Auditor shall not draw warrants on said Interest and Income Funds for any such claims until after the claim has been duly filed with and audited and approved by the State Board of Examiners.

Warrants not to be drawn until claims have been approved by State Board of Examiners.

Interest and income fund to be exhausted before any money from appropriations from the general fund is paid out.

Section III. In the payment of claims presented by any of the institutions named in Section 1 of this Act, the Interest and Income Funds mentioned in said Section 1, so far as available for the payment of the items set out in said claim, shall be exhausted before any warrants shall be drawn against the appropriation made by the State out of the General Fund for the maintenance of the institution filing the claim.

Section IV. That on the first of March, first of June, first

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of September, and first of December of each year the Executive Board of each of the Institutions named in Section 1 of this Act shall prepare or cause to be prepared a detailed statement showing all the expenses incurred and all disbursements made by such institution during the preceding quarter, and the purposes for which the same were made, out of funds, if any, appropriated by the United States Government for the maintenance and support of any such institutions. Such reports shall be signed and verified under oath by the president of the Executive Board and Treasurer of the Institution making the same and shall be filed with the State Board of Examiners.

The executive board of each institution shall quarterly prepare detailed statements and file same with Board of Examiners.

Contents of quarterly statements.

Statement must be verified by the president of the board and treasurer of the institution.

Section V. The Executive Board of each of the institutions named in Section 1 of this Act shall, at the end of November of each even numbered year beginning with November 30, 1910, prepare or cause to be prepared a full detailed statement, showing all moneys, if any, received by such institution from the United States Government, and of the moneys received from the investment of the permanent school funds of the institutions, and of moneys received from the leasing of lands granted to such institutions and all money appropriated by the State of Montana out of the General Fund for such institution, and all money received from tuitions or any other sources whatever during the two years preceding the 30th day of November.

The executive boards of such institutions shall biennially at the end of November of each even numbered year prepare detailed statements.

What statements shall show.

Such report shall also show all disbursements made out of the funds received from each of the sources mentioned above in this Section and the purposes for which each disbursement was made during such two years. Said reports shall also contain a statement showing the amount of money, if any, that will be received from the United States Government for the maintenance and support of the institution for the next ensuing two years, and also an estimate of the amounts of money that will be received for the maintenance of institution from the investment of the permanent fund thereof and from the leasing of lands granted to the institution for the next ensuing two years. Said reports shall be signed and verified under oath by the President of the Executive Board and Treasurer of the institution and filed with the Governor of the State

Additional matter which biennial statements shall show.

Biennial reports shall be signed and verified by the president of the board and treasurer of the institution.

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of Montana within ten days from and after November 30th of each even numbered year.

Repealing clause.

Section VI. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act shall take effect.

Section VII. This Act shall be in full force and effect from and after its passage.

Approved March 8, 1909.

CHAPTER 121.

An Act placing the highways and bridges in counties of the first class under the supervision and control of the county surveyor, defining his powers and duties, fixing his compensation and abolishing the office of road supervisor in counties of the first class.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of County Surveyors in counties of the first class.

Section 1. It shall be the duty of the county surveyor of each county of the first class in the State of Montana :

Divide counties into road districts.

I. To divide his county into suitable road districts, of such size and form as he shall deem best for the purpose of carrying out the provisions of this Act.

Define all public highways and file maps of roads.

Open all roads established by law.

II. To define each and every public highway in his county, and file wtih the county clerk maps of all such roads of which no maps are already on file, and to open or cause to be opened all public highways which have been, or which may hereafter be laid out and established according to law, and to survey and properly define the same.

To take care of and keep unobstructed and in repair all highways.

III. To take charge of the highways within his county, and to keep them clear from obstructions, and in good repair.

Banks, bridges and causeways.

IV. To cause banks to be graded, bridges and causeways to be made when necessary, to keep the same in good repair and renew them when destroyed.

To make plans and specifications of bridges and roads, examine and report to commissioners all work completed.

V. To make or cause to be made all plans and specifications for each and every bridge and road hereafter to be built or constructed, and to examine and report to the Board of County Commissioners of his county on all work when completed, and if said work is properly done according to the plans, specifications and contract, then said County Surveyor shall draw his voucher for the same, and if said work was

Draw vouchers when.

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done under contract, then a copy of such contract shall accompany such voucher.

VI. To do and perform such other duties as are hereinafter provided in this Act. Other duties.

Section 2. Any ten or a majority of the freeholders of a Road District may petition in writing the county surveyor of the county to alter or discontinue any highway, or to lay out a new highway therein. On receipt of a petition to alter, discontinue, or lay out a new road within his county, as is above provided, it shall be the duty of the county surveyor of the county to send two notices to one of said petitioners to post, which notices are to be posted, one at the beginning and one at the termination of the road which it is proposed to alter, discontinue, or lay out, and the county surveyor shall post like notice at the door of the county clerk's office of said county. Each of said notices shall contain a description of the route of the road which it is proposed to alter, discontinue or lay out, and shall state the place of beginning of the same and the termination thereof. The chairman of the Board of County Commissioners, upon three days' notice from the county surveyor shall name one person to act as viewer of said road in behalf of said board, and such person shall be notified by registered mail by the county surveyor to present himself at the place of beginning of said road at the time stated in said notice, to view said road in company with the county surveyor, and one of the petitioners for said road who shall have been duly appointed a viewer by the county surveyor, and notified in like manner. Before beginning the view of any road, the county surveyor shall require sworn proof of the posting of the notices herein provided for, and all notices shall be given at least ten and not more than forty days before the viewing of any road is made.

Petitions for altering, discontinuing and laying out highways.

Notices to be posted.

What notice shall contain.

Chairman of the board of county commissioners shall name a road reviewer.

Notice to reviewer.

Proof of posting of notice shall be required.

Time during which notice shall be posted.

Section 3. After said viewers chosen as above provided have been sworn they shall proceed to view the road which it is proposed to alter, lay out or discontinue. If the petition asks for the laying out of a new road and after having viewed said proposed road, said viewers approve of the same, they shall immediately survey said proposed road, the county surveyor to be assisted by the other viewers in the making of such survey.

When reviewers shall review road.

If proposed new road is approved by reviewers they shall survey same.

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When another person may be appointed reviewer.

Section 4. In case any person appointed as a viewer as above provided, for any reason be unable to assist in the viewing or in the surveying of any road, then and in such case the county surveyor and the remaining viewer may appoint some other suitable person to assist them in the performance of their duties.

Width of new roads.

Section 5. All roads hereinafter constructed shall be sixty feet wide, unless otherwise determined by the board of viewers viewing the same and approved by the board of County Commissioners.

County surveyor to be chairman of boards of road reviewers and shall keep accounts of proceedings of boards, and of all roads altered, discontinued or laid out.

What account to contain.

Section 6. The county surveyor shall be chairman of all boards of viewers, and shall keep a full and accurate account of the proceedings of all such boards, of all roads altered or discontinued, and of all roads laid out, naming the same, and shall give the place of beginning and length of all proposed roads, how they are defined, their marks and corners, the grades, the character of ground, the land or premises over or through which any proposed road is to pass, the damages if any to the owner of the land over which the proposed road is to run, who acted with him as viewer, day or days engaged in viewing road, with all dates, together with the proof of posting notices, all of which the county surveyor shall report to the Board of County Commissioners, together with any suggestions as to the advisability of altering, discontinuing or laying out any proposed road, and with an estimate of the probable cost of the same. This report shall be made within fifteen days after the view of any road is had, as herein provided, and all such proceedings to view, law out, discontinue, or alter any road, shall be submitted to the Board of County Commissioners, and must be approved or rejected by them.

Report of the County Commissioners, with suggestions.

When report shall be made.

Must be submitted to and approved by the Board of County Commissioners.

County Surveyor to be general superintendent of all roads in his county.

Section 7. The county surveyor shall be the general superintendent of all roads within his county and of the construction and alteration of all roads hereafter built or altered, and of all other work required to be done by him.

Further powers of County Surveyor.

Section 8. The county surveyor shall have power to employ suitable laborers, teams and implements necessary in the performance of any work required to be done by him under the provisions of this Act, and to appoint some person as manager of such work, who shall at all times be under the

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orders and control of the surveyor of roads, and to receive labor in payment of the special road tax as is by law provided.

But no person employed as manager shall receive more than Three Dollars per day, and no such manager shall have less than five men under his direction at one time except in the case of an obstruction when if necessary a greater or less number than five men may be employed, and shall not expend in money or labor, or both, to exceed the sum of $200 without an order from the chairman of the County Commissioners.

Manager not to received more than $3 per day and shall have not less than five men under him. Exception. Limit of amount which may be spent without an order from chairman of Board of Commissioners.

Section 9. The county surveyor shall have power to contract for the performance of any work required to be done by him, the cost of which shall not exceed in all the sum of Two Hundred Dollars. And for the doing or performance of any work required to be done by him the cost of which when completed shall exceed the sum of Two Hundred Dollars, the county surveyor shall have power to contract with the approval of a majority of the Board of County Commissioners of his county.

Power to contract for work.

Limit in amount.

Section 10. The county surveyor shall at the close of each quarter make to the Board of County Commissioners of his county an accurate and concise report of all roads and bridges and of their condition and needs.

Quarterly report to be made to Board of Commissioners.

Section 11. The county surveyor shall at all times keep himself informed as to the amount of money on hand and available in the general road fund, and at no time shall he exceed such amount without the consent of the Board of County Commissioners.

To keep himself informed as to amount in the general road fund.

Section 12. The county surveyor shall keep a record of all surveys made or caused to be made by him, and shall send a full report of each survey, together with the field notes and plat of the same to the Board of County Commissioners of his county, to be recorded in the book provided for the keeping of records of roads.

Record and report of all surveys made by him, with field notes and plats.

Section 13. The county surveyor of each county of the first class shall receive as full compensation for the performance of his duties as county surveyor, in connection with the roads and bridges and otherwise, the sum of Seven Dollars per day; provided, that said compensation shall not exceed

Compensation of County Surveyors of counties of the first class.

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Not to exceed $2000 per year.

the sum of Two Thousand Dollars in any calendar year. Said compensation to be paid quarterly by the Board of County Commissioners after the accounts of said surveyor have been examined and approved by said Board, and said surveyor must, before the commissioners shall issue any warrants for any services rendered under this Act, file with the said board an itemized account under oath.

When compensation to be paid.

Compensation of viewers and assistants to surveyors.

Section 14. Viewers other than the county surveyor, and all assistants of the county surveyor shall receive not to exceed Three Dollars per day for each day engaged or employed.

Maps provided for by Section 2551, Revised Codes, 1907.

Section 15. It shall be the duty of the county surveyor to make all maps provided for in section 2551 of the Revised Codes without extra charge.

Office of road supervisors in counties of the first class abolished.

Section 16. The office of road supervisor in counties of the first class is hereby abolished. Any and all laws relating to the powers and duties of road supervisors are hereby made applicable to county surveyors in counties of the first class in so far as the same are not inconsistent with any of the provisions of this Act.

Bills for road work.

Section 17. All bills for road work must be presented, sworn to, audited and allowed, as other claims against the county.

Repealing clause.

Section 18. All Acts or parts of Acts in conflict with any provisions of this Act are hereby repealed.

When Act to take effect.

Section 19. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 8, 1909.

CHAPTER 122.

"An Act Providing that the Coroner of the County wherein the State Prison is located, may hold an inquest over the body of deceased prisoners; and providing for the expenses of such inquests."

Be it enacted by the Legislative Assembly of the State of Montana:

Who shall hold inquest in case of death of prisoners in State prison.

Section I. When a prisoner confined in the State Prison shall die, the Coroner of the County wherein the State Prison is located, may hold an inquest as provided in "Section 9663

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to 7675, inclusive of the Revised Codes of Montana of 1907."

County Clerk shall make out statement of costs incurred by the county in such inquests, certified by the Coroner.

Section II. Whenever an inquest is held under the provisions of this Act the County Clerk of the County where such Inquest is had, shall make out a statement of all the costs incurred by the county in such inquest properly certified by the Coroner of said County, which statement shall be sent to the Board of State Prison Commissioners for their approval; and after such approval, said Board must cause the amount of such costs to be paid out of the money appropriated for the support of the State Prison, to the County Treasurer of the County where such inquest was had.

Statement to be sent to Board of State Prison Commissioners.

How paid.

When Act to take effect.

Section III. An Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

CHAPTER 123.

An Act to amend Section 2682 of the Revised Statutes of Montana, of 1907, relating to the Sale of Real-Estate for Delinquent Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Statutes of Montana, 1907. Section 2682 amended.

Section 1. That Section 2682 of the Revised Statutes of Montana, 1907, be amended to read as follows:

When real estate has been purchased by the county at tax sale and the county has become the owner thereof.

Section 2682. Whenever the county has become the purchaser of any real estate sold for delinquent taxes and the same has not been redeemed by the person entitled so to do, and the time for such redemption has expired, the Board of County Commissioners may, at any time, by an order made and duly entered upon the minutes of its proceedings sell the same at public auction, provided, however, that no such sale shall be made or confirmed unless the price offered shall be sufficient to discharge all accrued taxes to date of sale, together with interest and cost, then the chairman of the board is authorized to execute a title therefor vesting in the purchaser all the title of State and County to the real estate so sold. The money arising from such sale must be paid into the County Treasury, and the treasurer must settle for money so received as other State and County money.

County Commissioners may sell, when.

When sale may be confirmed.

When deed may be executed.

Proceeds of sale.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

CHAPTER 124.

"An Act to Prevent and Punish Fraud in the Sale of Giant or Blasting Powder."

Be it enacted by the Legislative Assembly of the State of Montana:

Fraud in the sale of blasting or giant powder.

Section 1. Any person or corporation engaged in the business of selling blasting or giant powder by whatever name the same shall be known containing nitro-glycerine, or equivalent explosive compound, in any form who shall sell or vend any such blasting powder upon the representation that the same contains a certain percentage or proportion of nitro-glycerine, or equivalent explosive compound, or who being applied to for blasting powder containing a certain percentage or proportion of nitro-glycerine or equivalent explosive compound shall sell or deliver any such blasting powder, containing a less percentage or proportion of nitro-glycerine, or equivalent explosive compound, than represented or than such powder as was applied for, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than One Thousand Dollars ($1000) nor less than One Hundred Dollars ($100).

Misdemeanor.

Penalty.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from, and after its passage and approval by the Governor.

Approved March 8, 1909.

CHAPTER 125.

An Act to Provide for the Assessment of Livestock, Creating a Migratory Stock Fund, and Providing for the Collection and Distribution of Taxes Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All livestock kept, fed, pastured, ranged, or grazed, or which does range or graze in more than one county

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Taxation of livestock, kept, fed, pastured, ranged or grazed in more than one county in the State.

To be assessed, when.

"Home county" defined.

Written statement to be made by owner or his agent.

Contents of statement.

of the State during any year, shall be assessed for taxation in the county in which it is found at the time fixed by law for the assessment of all property in the State, and such county in which such livestock is so assessed, or liable to be assessed, shall be known as the home county, and at the time of the assessment of a herd or band of livestock, the owner thereof, or his agent, shall make and deliver to the assessor a written statement, under oath, showing the proper description and different kinds of such livestock within the county, belonging to him or under his charge, with their marks and brands, and showing the full time during the current year that such livestock, and every part, portion and kind thereof, his been, and will be within the county, and such livestock and the owner thereof shall be liable to the said county for the taxes thereon, as other property is liable.

Livestock removed, kept, fed or pastured in other than the "home county."

Written statement by owner or agent.

Section 2. Whenever such livestock is removed, kept, fed, or pastured, or permitted to range or graze, or does range or graze in any county other than its home county, the owner thereof, or the person in charge, or his agent, shall, within fifteen days from the time any such stock enters such other county, deliver to the assessor of such county, and to the assessor of the home county, a written statement, under oath, similar in all respects, as far as practicable to the statement required at the time of the assessment.

Counties are entitled to receive taxes on livestock in proportion to the time the same is in such county.

Section 3. Each county of the state in which livestock is kept, fed, or pastured, or in which it is permitted to range or graze, or does range or graze, is entitled to receive the taxes on said property, in proportion to the time that the same is in such county, and the county to which said livestock is so removed shall be entitled to receive and recover from the home county the taxes collected on said stock, in proportion to the time for the current year such stock is so kept, fed, or pastured, or does range or graze in the county other than where said livestock is assessed.

The Assessor shall indicate on the assessment roll livestock kept, fed, pastured, ranged or grazed in more than one county.

Section 4. The assessor shall indicate on the assessment roll livestock which has, or will be kept, fed, pastured, ranged or grazed in more than one county, and the treasurer, on collecting the taxes thereon in the county in which the same is assessed, shall remit the portion levied for state purposes,

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Duties of County Treasurer.

as in case of other taxes levied by the State of Montana, and he shall place the remainder of the tax in a separate fund, known as the migratory stock fund, which shall be subject to distribution, as hereinafter provided.

Migratory stock fund.

Assessor to report to County Board of Commissioners in March all information concerning such stock assessed.

Section 5. At the regular meeting in March of the Board of County Commissioners, the assessor of such county shall transmit to the Board all information filed with him or in his possession, concerning stock assessed, wherein the taxes are to be apportioned between two or more counties, and the Board of County Commissioners shall proceed, on receipt of such information, to distribute said migratory stock fund, in proportion to the time said stock has been in each of such counties, as above provided, and order warrants drawn in favor of the counties entitled to receive a portion of the said taxes against such migratory stock fund, and the portion remaining, belonging to the home county, shall be distributed on the order of the Board of County Commissioners to the proper fund, according to the tax levy made during the year such assessment was levied, and the Board shall make a like distribution of all moneys received from other counties, under the provisions of this Act.

County Commissioners to distribute the migratory stock fund between the counties entitled thereto.

When stock has been assessed in the home county and sold and removed to another county, the latter county shall not be entitled to receive any portion of taxes collected thereon.

Section 6. No County, by reason of the removal of stock from the home county after assessment, shall be entitled to receive a portion of the taxes collected by reason of said livestock being fed, pastured, ranged or grazed in a county other than the home county because of the change of ownership of said livestock at the time of its removal, or while being fed or pastured in a pen, field or enclosure.

Refusal to make the required statements by owners is a misdemeanor.

Penalty.

Section 7. Any person or persons, company or corporation, who is the owner, or has in charge any livestock within this State, who refuses to make the statement or statements as provided in Section One of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding One Hundred Dollars.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

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CHAPTER 126.

"An Act Providing Penalties for the Taking up, Using or Disposing of Horses, Mules, or Asses contrary to law."

Be it enacted by the Legislative Assembly of the State of Montana:

Taking up or restraining any mare, gelding, colt, foal or filly, mule, jack or jennet without the owner's consent a misdemeanor.

Section 1. Any person, persons, corporation or company, who shall take up or retain in his or their possession, any mare, gelding, colt; foal, filly, mule, jack or jennet, the owner of which cannot with reasonable diligence be found, or of which he is not the owner, without the owners knowledge or consent, or who shall in any manner restrain from liberty for the purpose or purposes of using or making use of such animal without the knowledge and consent of the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty ($50.00) dollars nor more than One Hundred ($100.00) Dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1909.

CHAPTER 127.

"An Act to Empower City and Town Councils to Pay in Installments for any Improvements which are to be paid for by Special Assessment against any Property and for Such Installments to Issue Annual Interest Bearing Warrants and to Levy and Collect Assessments to Pay for the Same and to Extend the Payment of the Installments over any Period not Exceeding Eight Years."

Be it enacted by the Legislative Assembly of the State of Montana:

Taxes and assessments for improvements may be made payable in installments extending over a period of time not exceeding eight years from completion of the improvement.

Section 1. Whenever the city or town council of any city or town shall cause any street, avenue, alley or other public place in such city or town to be graded, curbed, guttered, macadamized, paved or to be repaired, remacadamized or repaved or shall cause to be constructed thereon or thereunder sidewalks or sewers or shall cause to be planted thereon or

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alongside any grassplots, trees, boulevarding or parking or shall cause to be done any one or more of said improvements or other public improvements the expense of any part whereof is to be defrayed by special assessment against any property, the city or town council instead of collecting the entire tax or special assessment for such cost and expense at one time may at its discretion provide for the payment of the cost and expense of such improvements in installments and for such installments may issue warrants and levy and collect assessments to pay the same and may extend the payment of the installments over any period not to exceed eight years from and after the completion of the improvements.

Warrants to bear interest at rate of 6 per cent per annum, payable annually.

All such warrants shall bear interest at the rate of six per cent per annum from the date of registration of the warrant, which interest shall be payable annually on the first day of January after the issuance of such warrant but before making such improvements the council may fix any other day in the year for paying such annual interest.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1909.

CHAPTER 128.

An Act to amend Sections 4256, 4257, 4262, 4264 and 4266 of the Revised Codes of Montana of 1907, relating to Cemetary Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 4256 amended.

Section 1. That section 4256 of the Revised Codes of Montana of 1907, be amended so as to read as follows:

Cemetery associations shall establish and maintain a permanent fund.

Income of permanent fund to be devoted to what.

Section 4256: Permanent Improvement Fund. That any association formed under the provisions of this Act, or any corporation heretofore formed under the laws of this State, which shall have established and be maintaining a cemetary, shall provide in the manner set forth in this Title, for the establishment and maintenance of a permanent fund, the income of which shall be devoted to the care, maintenance and

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improvement of such cemetary which fund shall be known as the "Permanent Care and Improvement Fund" of such cemetary association.

"Permanent Care and Improvement Fund."

Section II. That Section 4257 of the Revised Codes of Montana of 1907, be amended so as to read as follows:

Revised Codes of 1907. Section 4257 amended.

Section 4257. Trustees of Fund. Whenever moneys to the amount of one hundred (100) dollars, shall have been received by such corporation, heretofore or hereafter formed, for such a fund, either from the sales of lots or from direct payments of such corporation towards such a fund by lot owners, the Trustees of such association shall proceed at once to choose by ballot and appoint by deed of the association, a board of trustees of such fund. Such board shall consist of not less than three nor more than five persons, the exact number to rest in the discretion of the said trustees of said association. Such trustees of said fund must be citizens and freeholders of the State of Montana during all the time they exercise the power of such trust. Upon the election, appointment and qualification, as hereinbefore provided, of the said trustees of such fund, all the title to the funds included in said trust, and all the rights, powers, authorities, franchises and trusts whatsoever thereunto appertaining shall at once vest in them; or, in case of the failure of any of those so chosen and appointed, to qualify within thirty days after their appointment, then the same shall vest in the one or more who shall qualify. In case of the failure of any of those so chosen and appointed so to qualify within such time, the one or more who shall so have qualified shall forthwith fill all vacancies in the said board of trustees of such fund, by choosing and appointing by deed persons to be such trustees upon qualification. And such trustees of the fund shall have power in the same manner to revoke any choice and appointment, and to appoint any other person to be such trustee in any case where one chosen and appointed shall fail to qualify as herein provided, within thirty days after appointment. All appointments to fill vacancies and all revocations must be made unanimously.

When a board of trustees of the permanent care and improvement fund shall be chosen and appointed.

Number of trustees in board.

Qualifications of trustees.

What title, powers, rights and authority shall vest in the trustees.

Failure of trustees to qualify.

Filling vacancies in board.

Power to revoke appointment of trustees.

Section III. That section 4262 of the Revised Codes of 1907 be amended so as to read as follows:

Revised Codes of 1907. Section 4232 amended.

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When rights, titles, interests, authorities, powers, franchises and trusts shall vest in the District Court.

Section 4262. Powers of District Court. In case of the failure of the trustees of such an association to appoint a board of trustees of such a fund or in case of the death, removal, resignation or disability of all the members of such board, the said rights, titles, interests, authorities, powers, franchises and trusts, until the organization of a new board of such trustees, shall vest in the district court, in which such cemetary, or the greater part thereof shall be situate. In such cases such board of trustees may be appointed by said district court, on application of any person interested, on notice to such other persons interested as the court may order. The trustees so appointed to and accepting such trust shall become vested with all the aforesaid titles, estates, interests, authorities, powers, franchises and trusts belonging thereunto, upon qualification as hereinbefore provided.

When District Court may appoint trustees.

Trustees appointed by District Court.

In case of vacancies continuing for six months.

In case of any vacancy or vacancies continuing in the board of trustees of such fund for the period of six months, such vacancy or vacancies may be filled by the said district court in like manner. All trustees appointed by such court under the provisions of this section, shall have all the same rights, powers, authorities and franchises as trustees appointed under the other sections of this act. The district court shall have power to compel an accounting of such fund and its income from the cemetery association or the trustees of said fund, upon the application of any interested party. Any owner of an interest in any lot of the cemetery cared for by such trust, any trustee of the cemetery association and any trustee of the said trust fund shall have the right to make any application to the court, provided for in this Title.

District Court may compel an accounting, when.

Application to the District Court.

Revised Codes of 1907. Section 4264 amended.

Section IV. That section 4264 of the Revised Codes of Montana of 1907, be amended so as to read as follows:

Transfer of money received from sale of lots to the permanent care and improvement fund.

Section 4264. Transfer of funds. That from and after the passage and approval of this Act, the trustees of such cemetery association as are mentioned in Section 4256 shall provide by resolution, spread upon the minutes of such association, for the transfer to the trustees of such "Permanent Care and Improvement Fund," of not less than fifteen (15) nor more than forty (40) per cent of the moneys received from the sale of cemetery lots by said association, together with all moneys

Per cent of money received.

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theretofore or thereafter received from the owners of lots for the care of such lots; and such transfer of any such funds then on hand shall then and there be made; such transfers shall be made thereafter quarterly, upon the first days of January, April, July and October of each year, to the trustees of such fund. If at any time there shall remain in the hands of such association unexpended money over and above the liabilities of the association, the board of trustees of such association may by a two-thirds vote, appropriate the whole or any portion of such unexpended moneys to such "Permanent Care and Improvement Fund," provided, that such fund, (exclusive of such portion thereof as may have been paid in by owners of lots for the care of such lots,) shall never in any case be allowed to exceed the sum of five thousand (5000) dollars per acre, of the cemetery to be cared for therewith; and when such fund shall reach such amount all appropriations and payments thereto shall cease."

Other moneys transferred.

Transfer of any balance in the hands of the association after paying of amount of liabilities.

Providing limit permanent and improvement fund.

Section V. That section 4266 of the Revised Codes of Montana, of 1907, be amended so as to read as follows:

Revised Codes of 1907. Section 4266 amended.

Section 4266. The income of that portion of such fund, received from the sales of lots, shall be used, in the discretion of the trustees of such association, solely for the care, maintenance and improvement of such cemetery, its grounds, roads, walks and avenues leading thereto, except as herein provided. The income from such portion of such funds as shall have been paid in by lot owners for the care of specific lots, shall be segregated from the other portion, each lot being credited with its respective income, and shall be used solely for the care of such lots, respectively. In the event of any portion of the income so paid ever remaining unexpended for such purposes, for one year after its being so paid over to the treasurer of such association, it shall be returned to the trustees of such fund by said treasurer and become a part of the principal. Hereafter all cemetery corporations shall distinctly specify in all conveyances of lots therein, the percentage of the price received therefor to be transferred under the provisions of this Title to the "Permanent Care and Improvement Fund" of such corporation, and also, such further sum, if any there be, paid by the purchaser for the permanent care of the

For what purposes portion of the income of fund may be used.

Portion to the permanent care and income fund paid in for care of specific lots to be segregated and used for said special lots.

How any portion of the income so paid, remaining unexpended for one year, may be disposed of.

Associations shall specify in conveyance of lots percentage of purchase money to be transferred to permanent care and improvement fund.

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specific lot or lots thereby conveyed, so to be transferred as hereinbefore provided.

Repealing clause.

Section VI. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VII. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1909.

CHAPTER 129.

An Act relating to the Deposit of Funds in the Hands of the State Treasurer, Designating the Depositaries thereof, Fixing the Minimum Rate of Interest, and to Carry out the Provisions of the Amendment to the State Constitution Creating a State Depository Board.

Be it enacted by the Legislative Assembly of the State of Montana:

State Depository Board shall designate number of depositories.

All banks designated as depositories shall agree to pay interest on daily deposits at rate prescribed by the board.

Rate of interest.

Before any deposit is made in a bank it shall secure same by delivering to State Treasurer securities as herein named.

Amount of securities.

Bonds and securities must first be approved by State Depository Board.

Section 1. That the State Depository board shall designate as depositaries as many banks within the state as in its judgment are necessary for the safe keeping of the public moneys in the hands of the state treasurer, as hereinafter directed; provided, that all banks so designated shall undertake and agree, as a condition precedent to the deposit of any funds in such bank, that interest shall be paid upon the daily balances of all such deposits at a rate prescribed by the said Board which shall not be less than two and one half per cent. per annum, and all deposits shall be adequately and properly secured to the treasurer as herein specified. No deposits shall be made of state funds by said depository board, nor by the state treasurer under the direction of said board, unless such bank shall first have delivered to the state treasurer as security thereof bonds of the United States, or of the State of Montana, or county, school or municipal bonds, in at least an amount equivalent to the amount of such deposit, or the bond of some good surety company authorized to do business in the State of Montana in at least the amount of such deposit, which bonds, or security, shall first be approved by the state depository board; provided, that the state depository board may require security in a greater amount than that above named. No deposit of said funds shall be made

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or permitted to remain in any bank unless such bank shall have first been designated as a depository by said state board, nor until the security for the deposit shall have first been deposited with the treasurer and been approved by the state depositary board. In designating the depositories for state funds, the state depositary board shall, as near as may be found practicable, make designation of depositaries in the respective counties of the state, and cause to be deposited in them, public funds proportionate to the amount of public revenue received from such counties by the state. All interest paid and collected on deposits shall be by the state treasurer credited to the general fund of the state. The state depository board shall have the power of directing the withdrawal by the state treasurer of all moneys from any bank for any reason. When moneys shall have been deposited, under the direction of said depository board, and in accordance with the law, the treasurer shall not be liable for loss on account of any such deposit occuring through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct. It shall be the duty of the state treasurer to deposit funds in such banks, and in such amounts, as may be designated by the state depository board, and to withdraw such deposits when instructed so to do by the said board; provided, that the State Treasurer shall at all times keep a cash reserve in State depositaries provided for by this Act, of at least fifteen per cent (15%) of all state funds, and no permanent investment shall be permitted which will in any manner impair said reserve. But such treasurer shall have the authority, either with or without the direction of said state board, to withdraw all of such deposits, or any part thereof, from time to time, to pay discharge the legal obligations of the state duly presented to him in accordance with the law, except as above. Nothing herein shall be construed as limiting or impairing the right of the state board of land commissioners to invest public moneys in bonds or other securities as otherwise provided by law.

Bank must first be designated by the board and securities deposited with Treasurer and approved.

Location of depositories selected by the board and proportion of funds to be deposited therein.

Interest collected to be credited to the general fund.

Withdrawal of deposits.

When the Treasurer not liable for losses.

Duty of State Treasurer to make deposits in the banks and in the amounts designated by the board, and to withdraw same when so instructed.

Reserve of 15% of all state funds to be kept.

Withdrawal of deposits to pay state obligations.

Power of Board of Land Commissioners to invest funds not impaired hereby.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

CHAPTER 130.

"An Act to Repeal Section 1971 and Amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, Relating to Hunting and Fishing Licenses, the Manner of Issuing the same, and Providing a Penalty for the Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1971 amended.

Section 1. That Section 1971 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 1976 amended.

Section 2. That Section 1976 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

Hunting and fishing licenses of residents of State.

Section 1976. Every person who is a bona fide resident of the State of Montana, under the provisions of Section 1970 of this Code who desires to hunt, take, kill or catch any of the game animals or game birds, and who desires to take, kill or catch any fish in any of the streams of this State, must first obtain a license therefor by paying the officer issuing such licenses the sum of One ($1.00) Dollar;

Amount.

Foreigners' fishing licenses.

And every person who is not a citizen of the United States and who has not declared to become such citizen, whether a bona fide resident of the State or not, who desires to take, kill or catch any fish, must first obtain a license therefor by paying the officer issuing such licenses the sum of ($5.00) Dollars.

Amount.

And, every person who is not a citizen of the United States, and who has not declared his intention to become such citizen, whether a bona fide resident of the State or not, who desires to hunt, take, kill, catch, or have in his possession any of the game animals or birds of this State, must first obtain a license therefor of the State. Game and Fish Warden or a Deputy State Game and Fish Warden; said license shall certify that the licensee is not a citizen of the United States,

License to foreigners. what to contain.

shall contain complete description of the licensee, to-

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gether with age, business, residence and post-office address, and shall grant to him permission to hunt, take, kill, catch or have in his possession any game animals, or game birds of this State at a time and in a manner not prohibited by law.

Statements to be made by applicant for license.

Every applicant for such license shall, upon applying for the same, state his occupation, residence and post-office address, and shall place his signature in ink upon such license in a place designated by the officer issuing the same, which signature must be made in the presence of such officer.

Signature of applicant.

Hunting licenses to foreigners.

The applicant shall pay to the State Game and Fish Warden or Deputy State Game and Fish Warden issuing the license, the sum of Twenty-five ($25.00) Dollars for a "General License", which shall entitle the holder to hunt large or big game, small and feathered game; or the sum of Ten ($10.00) Dollars for a limited license, which shall entitle the holder to hunt small and feathered game only.

Amount for a "General License." Amount to be paid for a limited license by foreigners.

Revised Codes of 1907. Section 1977 amended.

Section 3. Section 1977 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Section 1977. Any bona fide resident of the State who desires to secure a resident hunting and fishing license without appearing personally before a party issuing the same as provided by law, may secure the same by making written application to any person within his own county issuing such licenses, and by filing the proper blank mailed to him by the party issuing such licenses and accompanying the same with the price of said license.

Application of residents by mail.

Any other person than a bona fide resident of this State, who secures either a hunting or fishing license, as in this Act provided, shall appear personally before the officer issuing such licenses in order to secure the same.

Non-resident applicants shall appear in person.

Any person issuing a resident hunting and fishing license shall, upon a written request from any resident of the county in which he is issuing such licenses, mail to such applicant an application blank which is furnished by the State Game and Fish Warden, and upon the receipt of such blank properly filled out and accompanied by the cost of said license, mail to the applicant a resident's hunting and fishing license, if the party issuing such license is acquainted with the applicant personally, then he may issue such license upon the receipt of

Application blanks may be sent by mail.

Officer may issue license if acquainted with party applying through the mails.

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When application for license must be signed and certified by two taxpayers.

the application blank properly filled out and signed by the applicant only, but should such party not be personally acquainted with the applicant, then he shall demand that two tax payers of his county sign such application blank, certifying that the applicant is bona fide resident of the State of Montana and of his county under and within the provisions of Section 1971 of the Revised Codes of Montana of 1907.

Officer issuing license must send application and duplicate license to the Game and Fish Warden.

The party issuing the license shall forward such application blank to the State Game and Fish Warden attached to the duplicate license the original of which has been sent to the applicant, at a time and in the same manner as other duplicate licenses are sent to the State Game and Fish Warden. A

License not to be issued to applicant of another county.

license cannot be issued by application to a person living in another county. The State Game and Fish Warden is hereby directed to furnish all persons issuing resident hunting and fishing licenses with these application blanks at the same time

Applicant blanks to be furnished persons issuing resident licenses.

that licenses are sent out each year. Such blanks shall contain the same description as required on the hunting and fishing license and be in the proper form for the applicant to certify that he is a bona fide resident of the State of Montana

Form of applicant blanks.

under within the meaning of Section 1971, of the Revised Codes of Montana, 1907, and a resident of the county in which he is applying for such license; said application blank shall also provide for the certification of the same by two resident tax payers of the county whenever such is necessary. Any person who shall falsely certify to any hunting an fishing license or application for the same is guilty of a misdemeanor and is punishable as such.

Failure of any person to certify to license a misdemeanor.

Section 4. Any persons who shall fish or hunt in this state without first securing a license therefor, as in this Act provided, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Twenty-five ($25.00) Dollars nor more than Five Hundred ($500.00) Dollars or by imprisonment in the County jail for a term of not more than six months or by both such fine and imprisonment, and in all cases of conviction their license shall be revoked.

Fishing or hunting without a license a misdemeanor.

Penalty.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

CHAPTEER 131.

"An Act to Provide for the Reformation of Erring Women and Girls."

Be it enacted by the Legislative Assembly of the State of Montana:

Application to be admitted to institutions for the reformation of erring women and girls.

Section 1. Any female person may at any time apply to the Secretary of the Bureau of Child and Animal Protection to be admitted to any institution in this State devoted to the purpose of reclaiming or reforming unchaste women, or such as are likely to become so, whereupon such secretary may, in his discretion, make an order directing that such person be committed to such institution for such period as in his judgment may be necessary.

Judge or magistrate may commit women and girls to institutions for the reformation of unchaste women, instead of to the reform school.

Time of confinement.

Section 2. Whenever under any law of this state any court, judge or magistrate is authorized to commit any person brought before him to the reform school, he may, if such person be a female, order instead, that such person be committed to and confined in some institution such as is designated in Section 1. of this Act and there kept in custody for such period, during the minority of such person, as he may direct, and thereupon such proceedings shall be taken as are provided by law in case of commitments to the Reform School.

Females convicted of drunkenness, disorderly conduct or vagrancy may be, at discretion of court, committed to what places.

Section 3. Whenever any female person is convicted before any court or magistrate of drunkenness, disorderly conduct or vagrancy she may, at the discretion of the Court or the judge thereof, in lieu of the punishment prescribed by the law or ordinance, under which such conviction was had, be committed to some institution such as is mentioned in Section 1. of this Act for not more than one year.

How institutions may qualify for the reception of inmates.

Section 4. Any institution may qualify itself for the reception of inmates, under the provisions of this Act, by filing in the office of the Secretary of State a statement to the effect that it is an institution of the character mentioned in Section 1. of this Act, and setting out the number of inmates

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What statement to contain.

it can accomodate which said statement shall be verified by the acting head of such institution.

Compensation of institution.

Section 5. The person, corporation or association conducting any such institutions shall be entitled to compensation from the county from which any inmates is sent or admitted, as provided in this Act, at the rate of Ten Dollars per month, to be allowed and paid as other claims against the county are paid.

Annual reports of such institutions to be made to the Governor.

Section 6. Each such institution shall annually on or before the first day of January in each year, make a report to the Governor showing the number of inmates in such institution, the number admitted under the provisions of this Act, and the total amount paid to it by virtue of it.

Repealing act.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1909.

CHAPTER 132.

An Act to Amend Sections 1575, 1576, 1577, 1581, 1582 and 1584 of the Revised Codes of the State of Montana and to repeal Section 1580 of the Revised Codes of the State of Montana relating to the practice of Dentistry in this State.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 1575 amended.

Section 1. That Section 1575 of the Revised Codes of the State of Montana be amended so as to read as follows:

Official seal of Dental Examiners.

Shall choose officers at annual meeting.

Meetings.

Bonds of Secretary and Treasurer.

Powers of president and secretary and board.

"Section 1575." "Said Board shall have an official seal; Said Board shall at its annual meeting choose from its members a President, Vice President, Secretary, and a Judiciary Committee; it shall meet at least once each year, and as much oftener, and at such times and places as may be necessary. The Secretary and Treasurer shall give such bonds as the Board may designate. The President and Secretary shall have the power to administer oaths; and said Board shall have the power to hear testimony as to all matters relating to the duties imposed upon it by law. If any member of the

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Board shall without cause, absent himself from two of its regular meetings, consecutively, his office shall be deemed vacant, and such vacancy shall be filled by appointment as hereinbefore provided. A majority of said Board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to inspection."

Member absenting himself from two regular meetings.

Vacancies.

Quorum.

Section 2. That Section 1576 of the Revised Codes of the State of Montana be amended so as to read as follows:

Revised Codes of 1907. Section 1576 amended.

"Section 1576. Any Dentist who has been in legal practice for five years or more, in any State in the United States, which has an exchange certificate law with that of Montana, and is a reputable Dentist of good moral character and who is desirous of making a change of residence into another State, may apply to the Examining Board of the State in which he resides for a new certificate, which shall attest his moral character and professional attainments, and said certificate if granted, may be deposited with the Examining Board of the State of Montana, and said Board in exchange therefore (may) grant him a license to practice dentistry in the said State of Montana. A fee of fifty dollars ($50.00) will be charged for each exchange certificate and proceeds therefrom to be paid into the Treasury of the State Dental Board of Montana."

Dentist in legal practice for five years in any state having an exchange certificate law, of good standing and character, may be granted a license to practice in this State, how.

Fee for exchange certificate.

Section 3. That Section 1577 of the Revised Codes of the State of Montana be amended so as to read as follows:

Revised Codes of 1907. Section 1577 amended.

"Section 1577. Any person who desires to begin the practice of Dentistry in the State of Montana after the passage of this Act shall appear before said Board of Examiners at any of its regular or special meetings for examination. To be eligible for such examinations the applicant shall give satisfactory evidence of having practiced dentistry for five years, or shall present a diploma from a reputable Dental College. The examination shall be conducted in English and shall be thorough, practical and sufficient to test the ability of the applicant to practice Dentistry. It shall include; Operative and Prosthetic Dentistry, Oesteology, Dental and General Anatomy, Histology, Bacteriology, Physiology, Pathology, Chemistry, Metallurgy, Materia Medica, Therapeutics, Orthodontia and Anaesthetics. Demonstrations in Operative and Prosthetic Dentistry, Prognosis and Diagnosis will be

Persons desiring to practice dentistry in this State shall appear for examination, when.

Eligibility for examinations.

How examinations shall be conducted.

What examinations shall embrace.

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Materials to be furnished by applicants.

required. All applicants must furnish their own material for demonstration." If the examinations prove satisfactory to said Board of Dental Examiners, they shall issue a certificate of registration to the person examined. All certificates issued by the Board, shall be signed by its President, Secretary and a majority of the Board present, and shall have its official seal attached thereto.

When certificates shall issue and by whom.

Revised Codes of 1907. Section 1580 repealed.

Section 4. That Section 1580 of the Revised Codes of the State of Montana be and is hereby repealed.

Revised Codes of 1907. Section 1581 amended.

Section 5. That Section 1581 of the Revised Codes of the State of Montana be amended so as to read as follows:

Who shall be held as "practicing dentistry."

"Section 1581. All persons shall be held to be practicing Dentistry, within the meaning of this Act who shall receive a fee or salary, or other rewards, paid either to him or to another person for operations or parts of operations, of any kind, in the treatment of diseases or lesions of the human teeth or jaws, or in the correction of the malpositions thereof."

Unlicensed persons cannot practice under name of registered practitioner.

But nothing in this article shall be construed to permit the performance of independent dental operations by unlicensed persons under the cover of the name of a registered practicioner or in his office.

Revised Codes of 1907. Section 1582 amended.

Section 6. That Section 1582 of the Revised Codes of the State of Montana be amended so as to read as follows:

Examination fee.

"Section 1582. In order to provide means for carrying out and maintaining the provisions of this Act, the Board of Dental Examiners shall charge each person applying to or appearing before said Board for examination, a fee of Twenty-five Dollars ($25.00). In case the applicant fails to secure a certificate from said Board, he may appear again before said Board for another examination, and when the applicant has passed and certificate issued, an additional fee of Twenty-five Dollars ($25.00) will be charged." Every registered dentist shall in each and every year pay to the Board of Dental Examiners a fee of Four Dollars ($4.00) as his annual dues, such payment to be made on or before the first day of May of each year. In case of default of such payment by any person, his or her certificate may be revoked by the Board of Dental Examiners upon thirty days notice from the Secretary, to the person holding such certificate, unless within

Fee for second xamination and issuing of certificate.

Annual dues of registered dentist.

When payable.

Certificate may be revoked for non-payment of annual dues, when.

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said thirty days said annual dues shall be paid, together with such penalties as the Board may impose, and the Board is expressly authorized to impose a penalty of One Dollar ($1.00) as a consideration for each year, for allowing the certificate to remain unrevoked. In case any registered Dentist absenting himself from the State for a period of one or more years may be reinstated by the payment of a fee of ($1.00) One Dollar for each year absent.

Penalty.

Reinstatement of registered dentist absenting himself from State for one or more years.

Section 7. The Section 1584 of the Revised Codes of the State of Montana be amended so as to read as follows:

Revised Codes of 1907. Section 1584 amended.

Section 1584. Any person who shall violate any of the provisions of this Act, or shall knowingly or falsely claim to have or hold a certificate of registration, license, diploma or degree granted by a Society or Board of Dental Examiners, or shall falsely, and with intent to deceive the public, claim or pretend to be the graduate of any incorporated reputable Dental College, or shall have, registered under one name and practiced Dentistry under another name with intent to deceive the public, shall be deemed guilty of a misdemeanor, and upon conviction may be fined One Thousand Dollars ($1,000.00), and not less than Five Hundred Dollars ($500.00) or imprisonment for not less than six months nor more than one year, or may be punished by both such fine and imprisonment. All fines thus received shall be paid into the common school fund of the County in which such conviction takes place.

Misdemeanor.

Penalty.

Fines received shall be paid into the common school fund.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This Act shall be in full force and effect on and after July 1, 1909.

Approved March 9, 1909.

CHAPER 133.

An Act to create the County of Lincoln, Designate its boundaries, and provide for its organization and Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the state of Montana embraced within the following boundaries shall be known as,

County of Lincoln created.

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and shall be, Lincoln County, in the state of Montana, to-wit:

Boundaries.

Beginning on the 48th parallel of Latitude in T. 26 N. between ranges 26 and 27 W., thence N. to the N. E. corner of T. 27 N. R. 27 W., thence W. to the S. W. corner of Section 34 T. 28 N. R. 27 W., thence N. to the N. W. corner of Section 3 T. 28 N. R. 27 W., thence E. to the S. E. corner of T. 29 N. R. 26 W., thence N. along the Horse Plains Guide Meridian to the N. E. corner of T. 32 N. R. 26 W., thence W. to the S. E. corner of T. 33 N. R. 26 W., thence N. along the Horse Plains Guide Meridian to the N. E. corner of T. 33 N. R. 26 W., thence E. about twelve miles to the summit of the water shed dividing the Still Water River and White Fish creek, thence in a northwesterly direction along said water shed to its inter-section with the International boundary line, thence W. along said Boundary line to the N. W. corner of the state of Montana, thence S. on the Boundary line between Montana and Idaho to the Summit of the Cabinet Mountain Range, thence in a southeasterly direction along said range to the 48th parallel of latitude, thence E. along said parallel of latitude to the place of beginning.

Shall be part of the Eleventh Judicial District.

Section 2. That for judicial purposes the said County of Lincoln shall be attached to and become a part of the Eleventh Judicial District of the State of Montana.

Libby shall be the county seat until otherwise fixed.

Section 3. That the town of Libby, situate within the boundaries above mentioned, shall be the county seat of said county of Lincoln, until the county seat of said county shall be designated as hereinafter provided. And for the purpose of definitely fixing and creating the county seat of the county hereby created, the Board of County Commissioner of Lincoln county shall cause to be inserted in the official ballots, when printed for the general election held the first Tuesday after the first Monday in November, A. D. 1910, at the foot of the names of the candidates, or nominees thereon, the following: "For the County seat of Lincoln County ———— ————," and the electors, when voting at the said general election at the time hereinbefore mentioned shall declare their vote upon said proposition by inserting in the blank space upon their ballots herein provided for, the name of some one

County seat shall be chosen at election in November, 1910.

Ballot.

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town within said county of Lincoln, and when the name of a town shall be so inserted in the space by an elector, and the ballots have been cast as provided by law, the name shall be deemed a vote for the designated town as the place of the permanent county seat of Lincoln county, and upon a canvass of the said ballots the town having the highest number of ballots shall be declared by the canvassing board the county seat of Lincoln county, which result shall be entered in the office of the County Clerk and Recorder of said Lincoln County, and from the date of such declaration of result, the town selected shall be and remain, until lawfully changed, the county seat of Lincoln County. All laws of a general nature applicable to the several counties of the state of Montana, and the officers thereof, shall be made applicable to said county of Lincoln, and the officers who may hereafter be elected, or appointed, therein, except as otherwise provided in this Act.

Electors at said election shall insert name of town they vote for as county seat.

The town having the highest number of ballots shall be declared by the canvassing board the county seat.

What laws applicable to Lincoln county.

Section 4. That all the indebtedness of Flathead County, as the same shall exist on the first day of January, 1909 shall be apportioned between the county of Flathead and the county of Lincoln by first deducting from said indebtedness the amount of all moneys on hand, and the amount of all moneys belonging to the said Flathead County, and also deducting the values of all real and personal property within or belonging to the said Flathead county on the said first day of January, 1909; and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Flathead county, and the taxable property in Lincoln county, and heretofore within the boundaries of Flathead County; said amount of taxable property to be ascertained, and said apportionment and valuation of county property to be made by a commission consisting of the Boards of County Commissioners of Flathead County and Lincoln county, and the Judge of the Eleventh Judicial District of the State of Montana, which said commission shall meet at the Court House in the City of Kalispell on the first Tuesday of July, 1909, and shall take as a standard for said apportionment of indebtedness the assessment for the year 1908 as determined by the Board of Equalization of said Flathead County.

Indebtedness of Flathead county shall be apportioned between the counties of Flathead and Lincoln, how.

Commission to ascertain amount of taxable property.

When commission shall meet.

Standard of indebtedness.

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Duties of Treasurer of Flathead county.

Section 5. That the Treasurer of Flathead county shall at the time of the adjustment, as provided in Section 4 of this Act, make out and transmit to the County Commissioners of Lincoln county, a list of all delinquent taxes and amounts of uncollected taxes within the limits of Lincoln County, as above defined; provided, that no delinquent taxes due the county of Flathead shall be considered in the adjustment of the debt, as hereinbefore provided; but it shall be the duty of the Treasurer of Flathead county to collect such delinquent taxes as may be due said county and to turn over, within thirty days after making such collection, to the Treasurer of Lincoln county a pro rata share of such taxes as he may be able to collect. It is further provided that should there be a surplus of funds in the hands of the Treasurer of Flathead county, after the adjustment hereinbefore provided, said surplus shall be divided between the respective counties of Flathead and Lincoln, in the same manner as herein provided for dividing the indebtedness.

Delinquent taxes.

Surplus funds in the hands of Treasurer of Flathead county, how divided.

Duties of County Commissioners of Lincoln county upon adjustment of indebtedness.

Section 6. That upon the adjustment of said indebtedness, it shall be the duty of the County Commissioners of Lincoln County, to cause to be made out, issued and delivered to the County Commissioners of Flathead County, warrants for any amount found due said Flathead County, which warrants, upon presentation, shall be endorsed by Treasurer of Lincoln County, "not paid for want of funds," and shall thereafter draw interest as other County Warrants.

Interest on warrants.

County Commissioners of Lincoln county may issue bonds to pay indebtedness of Flathead county incurred.

Section 7. The County Commissioners of the County of Lincoln, for the purpose of paying any indebtedness which may be incurred, by reason of assuming any of the indebtedness of Flathead county, are hereby authorized and empowered to cause to be issued, and to sell at not less than par, the bonds of said county of Lincoln in an amount equal to said indebtedness so incurred, in the manner provided for by law for the issuing and sale of county bonds.

Bonds not to be sold for less than par.

Transfer of school funds.

Section 8. It is hereby made the duty of the County Treasurer of Flathead County, to transfer and pay over on or before the first day of July, 1909, all moneys in said Flathead county, to the credit of school districts embraced within the limits of said county of Lincoln, as may have been hereby

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How school funds are to be held.

taken from said county of Flathead, which said moneys so transferred shall be held by the Treasurer of said county of Lincoln, to the credit and for the use of the same school districts as they formally existed.

Transcribing and indexing records of property lying within Lincoln county.

Section 9. That the County Commissioners of said Lincoln County are hereby empowered, and it shall be their duty, to contract with the lowest responsible bidder, for transcribing and indexing all records of property lying and being within the limits of the county of Lincoln, and all other public records, which transcripts, when compiled, shall be compared with the original records by the County Clerk of Flathead County, and when correct shall be by him so certified under his official seal, and thereafter the records so transcribed and certified to shall be received and admitted in evidence in all courts of law in the State, and be in all respects entitled to like faith and credit as said original records. The County Clerk of Flathead County shall receive for his services in comparing and certifying to the correctness of the copies of said records, Five Dollars ($5.00) per day while engaged in said labor, which amount shall be paid by the County of Lincoln on the completion of said labor.

How transcripts shall be compared.

Faith and credit of transcribed records.

Compensation of County Clerk of Flathead county for comparing and certifying records.

Officers of Lincoln county.

Section 10. The following named persons are hereby appointed to fill the offices set opposite their names.

Elzeor Demers.	County Commissioner.
Walter Wilder.	County Commissioner.
Paul Pratt.	County Commissioner.
M. Brandenburg.	Treasurer.
M. A. Shannahan.	Sheriff.
James Stonechest.	Assessor.
Philip R. Long.	Clerk of the District Court.
James Stonechest.	Assessor.
Philip R. Long.	Clerk of the District Court.
R. T. Fleek.	Clerk and Recorder.
————————	County Attorney.
F. D. Head.	Superintendent of Schools.
Sam Raderkin.	County Surveyor.
M. J. Brown.	Public Administrator.
Dr. A. D. Bogardus.	Coroner.

All of said officers shall have power, and perform the same

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Powers, duties and privileges of county officers.

duties, and be entitled to the same privileges, as are by law conferred upon like officers in other counties, and shall hold their respective offices until after the next general election,

Term of office.

or until their successors are duly elected and qualified. Said officers, however, before entering upon their duties, shall

Bonds and oaths of office.

severally give bonds, and take the oath, as required of the county officers of other counties of this state, and said bonds shall be filed, as by law required, and approved by the State Auditor.

Salaries of officers.

Section 11. That the officers appointed and mentioned herein in Section 10 of this Act, shall each be allowed to receive an annual compensation for their services as such officers, as follows, to-wit:

For each County Commissioner, the sum of Six Dollars ($6.00) per day, when in actual session, not exceeding the sum of Two Hundred and Fifty Dollars ($250.00) per year.

Treasurer,	Twelve Hundred Dollars.
Sheriff,	Fifteen Hundred Dollars.
Clerk & Recorder,	Twelve Hundred Dollars.
Assessor,	Twelve Hundred Dollars.
Clerk of the District Court,	Twelve Hundred Dollars.
Superintendent of Schools,	

by the Revised Codes of 1907 of Montana, who shall hold

Other officers of county within Lincoln county whose appointment or election is not provided for to continue to hold office until when.

their respective offices until their successors are elected and qualified. And all township and precinct officers, road supervisors, officers of school districts, and all other officers, within and for the County of Lincoln, whose election or appointment is not provided for, shall, or may continue to hold office and exercise the duties pertaining there to until the expiration of the term for which said officers were elected or appointed.

When court house may be constructed.

Section 13. No Court House shall be constructed by said county of Lincoln until the said County Seat is, as hereinbefore provided, fixed, and the valuation of assessed property within said county shall exceed the sum of Three Million Dollars.

Boundaries of Flathead county altered.

Section 14. The county boundaries of Flathead county are hereby altered so as to conform to the boundaries of Lincoln county as established by this Act.

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Repealing clause.

Section 15. All Acts and parts of Acts so far as the same are in conflict with the provisions of this Act, are hereby repealed.

Section 16. This Act shall take effect from and after July 1, 1909.

Approved March 9, 1909.

CHAPTER 134.

"An Act to Authorize Public Administrators to Require Statements from Persons and Corporations having in Their Possession or Control Money, or Other Personal Property, Belonging to Deceased Persons, and to Collect the Same and Summarily Settle Estates Where the Value Thereof is less Than Two Hundred ($200.00) Dollars."

Be it enacted by the Legislative Assembly of the State of Montana:

When public administrator, prior to being appointed administrator of an estate, may make written demand upon persons, firms, banks and corporations for written statements concerning properties of such estate.

Section 1. Whenever any person dies in any county of this State, and no administrator has been appointed to take charge of his estate, the public administrator of such county, prior to the issuance of letters of administration to him, shall have authority to make a written demand upon any person, firm, bank or corporation, which he believes holds or has in their possession or control any money, evidence of indebtedness, or other personal property, or which owes to such deceased person any money, to furnish to him a written statement, under oath, showing the amount of money, or the evidence of indebtedness, or personal property of such deceased person held by them, fully describing the same, and the total sums of money, if any, due from them to such deceased person. Upon receipt of such written demand the person, firm, bank or corporation receiving the same shall immediately furnish, under oath, to such public administrator said statement.

What statement to show.

Duty to furnish statement.

Refusal to furnish the demanded statement a misdemeanor.

Section 2. Any person, firm, bank or corporation, or officer, agent or employee thereof refusing upon demand, to furnish the statement, as required by Section 1 of this Act, shall be guilty of a misdemeanor.

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If the statement shows and aggregate value of the estate to be less than $200, the party holding or owning same shall turn over to the Public Administrator the property.

Section 3. If the statement or statements furnished the public administrator in accordance with the provisions of Section 1, of this Act show that the aggregate market value of the estate of such deceased person is less than two hundred ($200.00) dollars, then upon demand of the public administrator the person, firm, bank or corporation holding, controlling or owning the same, or any part thereof, shall turn over, endorse or surrender the same to such public administrator at once, without the issuance of letters of administration to him. The public administrator shall, upon receipt of the money, evidence of indebtedness or other personal property, issue a receipt to the person, firm, bank or corporation delivering the same to him, fully describing the property received. Such receipt, signed by the public administrator, shall fully discharge the person, firm, bank or corporation receiving the same from all further liability to the estate of said deacesed person, to the amount of money or for the property set out in said receipt.

The Public Administrator upon receiving the same shall receipt to the person delivering the property for same.

The receipt signed by the Public Administrator shall discharge party receiving same from further liability.

The public administrator shall have power to summarily settle such estate.

Section 4. Upon the receipt of money, evidence of indebtedness or other property, as provided in this Act, the public administrator shall proceed at once to the settlement of the estate of the decedent, in the same manner and shall have the same power and authority as in estates where letters of administration have been issued to him; provided, that upon ten days notice by posting in three public places in the county, he may sell at public auction the personal property received by him without procuring an order of Court authorizing such sale, and that upon the presentation of claims against the estate, duly itemized and verified by the claimant, the public administrator upon approval thereof may pay the same without having the approval of the Court.

Shall give ten days posted public notice.

May sell at public auction the personal property without order of court.

Claims against he estate.

Must make full reporth within thirty days. contents of report.

Section 5. Upon the settlement of the estate, the public administrator must, within thirty days, make a full report, under oath, showing all money and property received by him, from whom received, and all disbursements made, and the purposes thereof, and file the same in the office of the Clerk of the District Court of his county.

Must file report in office of Clerk of District Court.

Section 6. Upon the filing of such report the Clerk of the Court must make an order fixing a day for the hearing of the

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report, giving notice thereof by the posting of notices in three public places in the county for a period of ten days before the date of hearing, at which hearing any and all persons interested therein may appear and object to such report, or to any of the matters contained therein.

Order fixing day for hearing report.

Notice of hearing.

Section 7. Upon such hearing the Court may make such orders with reference to such report as may be necessary and proper.

Court may make order upon hearing report.

Section 8. The public administrator shall receive as full compensation for his services, including attorneys' fees, a commission of fifteen per cent of the total amount of money received by him in any estate provided for in this Act; provided, that in no case shall the compensation be less than five ($5.00) dollars.

Compensation of Public Administrator.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1909.

CHAPTER 135.

"An Act to Amend Sections 2742 and 2743 of the Revised Codes of Montana, of 1907, Relating to the Payment of Taxes Under Protest, and Fixing the Time Within Which Suit Shall be Commenced for the Recovery of Same."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2742 of the Revised Codes of Montana of 1907 of the State of Montana, be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 2742 amended.

Section 2742. That in all cases of levy of taxes, licenses, or other demands for public revenue, which are deemed unlawful, by the party whose property is thus taxed, or from whom such tax or license is demanded or enforced, such party may pay under protest such tax or license, or any part thereof, deemed unlawful, to the officers designated and authorized to collect same; and thereupon, the party so paying, or his legal representatives, may bring an action in any

Owner may pay taxes deemed unlawful under protest.

May bring action to recover taxes so paid.

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Court of competent jurisdiction against the officer to whom said license or tax was paid, or against the county or municipality in whose behalf the same was collected, to recover such tax or license, or any portion thereof, paid under protest; provided, that any action instituted to recoved any tax paid under protest, shall be commenced within sixty days after the Thirtieth day of November, of the year in which such tax was paid. The tax so paid under protest, shall be held by the County Treasurer, and no part thereof paid to the State Treasurer until the determination of any action brought for the recovery thereof; and provided further, that in all cases where taxes, licenses or other demands have been paid under protest, during the year 1907, or 1908, and no suit has been brought to recover the same, action to recover the same as herein provided shall be brought within sixty days after the passage and approval of this Act; and if not so brought, the same shall be forever barred.

Action must be brought within sixty days after November 30th of the year in which such taxes are paid.

Taxes so paid must be held by the County Treasurer until after the termination of suit.

Actions to recover taxes so paid during years 1907 and 908, when must be commenced.

Section 2. That Section 2743 of the Revised Codes of Montana of 1907, of the State of Montana be, and the same is hereby amended to read as follows:

Revised Codes of 1907. Section 2743 amended.

Section 2743. Whenever any person has delivered to the Assessor a sworn statement of his property subject to taxation as now provided by law, and giving the estimated value of such property, and the Assessor shall increase such estimated value, or add other property to such assessment list, he shall at least ten days prior to the meeting of the County Board of Equalization, give to such person written notice of such change, which notice shall be substantially in the following form:

Whenever the Assessor has increased the estimated value of property given in by owner he must give written notice of such change to owner not less than ten days prior to meeting of County Board of Equalization.

(Date)————————

Notice.

Mr. ————————————

A change has been made in your assessment list as follows:

Assessor ———————— County.

Such person may then appear before the County Board of Equalization, ascertain the nature of such change, and contest the same; and if the assessment of any such person has been added to or changed, either by the assessor or by the County Board of Equalization, and such person has not been

Such person may appear before the board and contest the change.

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notified thereof and given an opportunity to contest the same before the County Board of Equalization, the tax of such increased value or added property shall, upon such facts being established, be adjudged by the Court to be void, and such facts and all questions relating thereto, when said tax has been paid under protest, may be heard and determined in the Action provided for in said Section 2742 (4024) of the Political Code. When any person has appeared before the County Board of Equalization, and has contested the increase in the estimated value of his property, or the additions of other property to his assessment list, and is aggrieved at the final action of the Board in making or allowing such increase or addition, he may, in the action provided for in said Section 2742 (4024) of the Political Code, contest and litigate the payment of taxes on such increased valuation or added property list on the same grounds and for the same reasons that he has contested the same before the County Board of Equalization, and for no other reason and on no other reason and on no other ground. Provided, that any action instituted for the purpose of recovering any tax paid under protest for any of the reasons mentioned in this Section shall be commenced within sixty days after the Thirtieth day of November, of the year in which such tax was paid. Provided, further, that when any action is instituted to recover any tax paid the valuation of the property as increased by the Board of Equalization or Assessor, is an over-valuation of such property, the jury in the case shall determine the actual value of such property at the time the same became liable for taxes, and if the value as fixed by the jury is in excess of the amount on which taxes were levied, the plaintiff shall be liable in damages equal to the product obtained by multiplying such excess valuation as found by the jury by the rate per cent at which taxes were levied in the municipality where the property was assessed for the year the protest was made.

Increase of valuation without notice and opportunity to contest the same is invalid.

What facts and questions may be heard and determined by the court.

When the increase in valuation or the addition of property to his list has been contested by a person before the County Board of Equalization he may contest the same in the action brought in court on the same grounds only.

Action must be brought within sixty days after thirtieth day of November of year taxes are paid.

In case of over-valuation.

What jury shall determine.

Damages in in case jury fixes greater value.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1909.

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CHAPTER 136.

An Act to Regulate Common Carriers, and to Provide for Certain Appliances, Rules and Regulations looking to the Safety of the Traveling Public and Employes upon Railway Trains, and to Confer upon the Railroad Commission of Montana certain powers in Relation thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

The Railroad Commission shall have power to make rules for the equipment of railroad cars, trains and engines with safety appliances, and to enforce the same.

Section I. The Railroad Commission of the State of Montana shall have full authority to, after notice and hearing, make and enforce rules and regulations providing for the installation on and equipment of, trains, cars or engines, with safety appliances and shall have authority to inspect the same and enforce regulations with regard thereto such inspection rules and regulations to be from time to time co-extensive with the requirements of, and in conformity to, the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

Inspection rules and regulations to be in conformity with the Acts of Congress.

Railroad Commission shall have power and authority to examine brake equipments and enforce reasonable rules and regulations regarding same with respect to examination, inspection and repair thereof.

To conform with Acts of Congress.

Section II. The Railroad Commission of the State of Montana shall have the power and authority to examine and inspect all brakes and brake equipment and, to, after notice and hearing, make and enforce reasonable rules and regulations with respect to the examination, inspection and repair thereof, with a view of determining the proper measure of efficiency of said brakes and brake equipment. Such rules and regulations to be from time to time co-extensive with the requirements of, and in conformity to the provisions of the Acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

Board has power to compel installation of platforms and stations at points where one railroad crosses another.

Section III. The Railroad Commission of the State of Montana shall have power and authority whenever the line of one railroad shall cross or intersect the railroad of another company or corporation to, after notice and hearing, order and compel the installation of suitable platforms and station houses for the convenience of passengers desiring to transfer from one road to the other and for the transfer of passengers, baggage or freight, whenever the same shall be ordered by the Railroad Commission.

May compel roads to keep such stations warmed, lighted and open for passengers.

And such company or corporation shall, when so ordered by the Railroad Commission keep such passenger station warmed, lighted and opened to the

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ingress and egress of all passengers, a reasonable time before the arrival and after the departure of such trains as accommodate such station carrying passengers on such railroad or railroads. And said railroad companies crossing or intersecting shall stop such trains at said station house so located at said crossing or intersection for the transfer of baggage, passengers and freight so as to furnish reasonable facilities for that character of a station when so ordered by the Railroad Commission and the expense and construction and maintenance of such station house and platform shall be paid by such corporations in such proportions as they may agree, and if they fail to agree, as may be fixed by order of the Railroad Commission. Such corporations connecting by intersections as aforesaid shall also, when so ordered, after notice and hearing, by the Railroad Commission unite and connect the tracks of said several corporations so as to permit the transfer from the track of one corporation to the other, of loaded or unloaded cars designed for transportation on both roads, provided however that no such union or connection shall be ordered except where and when necessary to properly serve the public.

Stop trains at such crossings for transfer of passengers, freight and baggage.

Expenses and construction of such stations to be paid, how.

Companies shall construct connecting tracks at such intersections when so ordered by the Board.

May be ordered only when necessary to accommodate the public.

Section IV. The Railroad Commission of the State of Montana shall have full power and authority to, after notice and hearing, compel railroad companies operating in the State of Montana to construct industrial or commercial spurs to industries when there is or will be sufficient traffic to require such facilities, provided however, that any such industrial or commercial spur will not exceed one mile in length from headlock to end of track, and shall be constructed pursuant to the usual and customary contract of the particular railroad company in constructing such spurs, and provided further, that such industrial or commercial spur shall not be ordered constructed except within the limits of extreme switches of stations or yards, or at sidings unless such station, yards, sidings or spurs are more than seven miles apart, nor unless such spurs can be so placed as to be reasonably safe and not unnecessarily interfere with main line operation.

The Commission shall have power to compel railroads to construct industrial and commercial spurs, when.

Provided such spurs do not exceed one mile in length.

Provided such spurs shall not be ordered constructed except within what limits.

Section V. The District Court shall have jurisdiction to enforce by proper decree, injunction or order, the rulings,

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District Court shall have jurisdiction to enforce the orders and regulations established by the Commission.

Proceedings.

By whom instituted, and when.

Proceedings shall have precedence.

Burden of proof.

If decided by the Court that such rules, orders and regulations are not unreasonable or unjust and the failing to perform a duty it shall decree a mandatory and perpetual injunction compelling obedience.

Any violation of such decree a contempt.

Penalty.

How long decree shall remain in effect.

Right of trial by jury.

Appeal.

orders and regulations made or established by the commission under the provisions of this Act. The proceeding therefore shall be by equitable action in the name of the state, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Board that any railroad is violating or refusing to comply with any rule, order or regulation made by the commission and applicable to such railroad. Such proceedings shall have the precedence over all other business in such courts, except criminal business. In any action the burden of proof shall rest upon the defendant, who must show by clear and satisfactory evidence that the rule, order or regulation involved is unreasonable and unjust as to them. If in such action, it be the decision of the Court that the rule, regulation or order is not so unreasonable or unjust, and that in refusing compliance therewith the railroad is thereby failing or omitting the performance of any duty or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to, and compliance with the rule, regulation or order, by the defendant, and its officers, agents, servants and employes, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and officer, agent, servant or servants or employes of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punishable by a fine not exceeding One Thousand Dollars for each offense, or by imprisonment of the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation or order shall be modified or vacated by the Board. Provided, however, that nothing herein contained shall be construed to deprive either party to such proceedings of the right to trial by jury, as provided by the seventh amendment to the Constitution of the United States, or as provided by the constitution of this State. An appeal shall lie to the Supreme Court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Section 6. Appeals may be taken to the Supreme Court

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from the judgment of any District Court in any action brought under the provisions of this Act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such court, and shall be heard and determined as are appeals in civil actions.

Appeals to the Supreme Court.

To have precedence over all business except criminal business.

Section VII. Any railroad may bring an action in the District Court of the county where the principal office or place of business is situated, or in any county where any such rule, regulation or order of the Board is applicable, against the said Board as defendant, to determine whether or not any such rule, regulation or order made, fixed or established by the Board under provisions of this Act is just and reasonable; provided, that until the final decision in any such action the rule, regulation or order of the Board affecting any railroad shall be deemed to be final and conclusive; and provided, further, that in any action, hearing or proceeding in any court, the rules, regulations and orders made, fixed and established by said Board shall prima facia be deemed to be just, reasonable and proper. All costs and expenses incurred in the hearing, trial or appeal of any action brought under this section, shall be fixed and assessed as by the court may seem just and equitable.

Any railroad may bring an action in the District Court to determine the reasonableness of any rule, order or regulation of the Board.

Until final decision in such actions the rules, orders and regulations of the Board are conclusive.

Deemed prima facie just, reasonable and proper.

Costs.

Section VIII. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section IX. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1909.

CHAPTER 137.

An Act to Amend Section 1171 of the Revised Codes of Montana of 1907, relating to the admission, care and retention of persons and children in the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 1171 of the Revised Codes of Montana of 1907, be and the same is hereby amended so as to read as follows:

Revised Codes of 1907. Section 1171 amended.

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Admission of feeble minded persons into School for the Deaf, Blind and Feeble Minded.

"Section 1171. All feeble minded persons, resident in the State of Montana and qualified after the general manner prescribed in Section 1168 of this act, shall be admitted into this school; Provided, That every such person shall be capable, in the judgment of the trustees, of at least some mental, moral or physical training, such as falls within the

Capacity of the person.

proper function of a school, as distinct from an asylum. To the end that the board of trustees may arrive at some definite method of judging such cases, they are hereby empowered to

Board of Trustees may adopt and apply tests to ascertain condition of person.

ascertain and establish certain tests, which tests shall be thoroughly and impartially applied to each case before final admission into the school, and it shall be the object of said

Object of tests.

tests to ascertain in each case if there be any capacity for mental, moral or physical training; and provided further, That as soon as possible in the judgment of the board of

Separate building to be provided for feeble minded.

trustees, by and with the consent of the state board of education, a separate building and premises, adjoining yet distinct from those of the deaf and blind shall be provided for such feeble-minded persons, which building and premises shall be more especially adapted to the peculiar needs of said feeble-

Feeble minded department shall be under supervision of the board and superintendent.

minded class of persons. The said feeble-minded department shall be under the general control and supervision of said board of trustees and superintendent; but the trustees, after consultation with the superintendent and at his request, may

Assistant superintendent may be appointed.

appoint an assistant superintendent, together with especially trained teachers and attendants, whenever in their judgment said feeble-minded department herein provided for shall seem to need such additional attention and supervision; and Provided that the said officers are hereby authorized to retain in

Feeble minded pupils may be retained for life.

the care of said school for life, such feeble-minded pupils as have passed the age of twenty-one years and are not fit mentally to make their way or become useful members of society. The authorities of said school are directed to establish a

Establishment of farm colony for feeble minded.

Farm Colony for the feeble-minded on the ranch belonging to the school. The adults feeble-minded, under skilled supervision, shall be required, by their labor, to contribute as far as possible to their own support and to the support of the school.

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Section II. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1909.

CHAPTER 138.

An Act Regulating and Governing Contracts relative to the shipment of Livestock, and the Giving of Notice or Claim for Loss or Damage thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. Any provision, stipulation or condition in any shipping contract, bill of lading or other agreement hereafter made or entered into by or between any common carrier and the owner or shipper of any shipment of livestock, providing that written or verbal notice of loss, injury or damage thereto or of claim therefor, shall be made or given to any common carrier or to any agent or officer of any common carrier or to any other person within any period less than four months from the date of the occurrence of any such loss, injury or damage, shall be void and of no effect. Provisions in any contracts, bills of lading or other agreement requiring notice of loss in shipments of livestock within less than four months, void.

Section II. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section III. This Act shall take effect and be in full force from and after its passage.

Approved March 10, 1909.

CHAPTER 139.

"An Act to Permit Foreign Surety Companies to do Business in this State, and regulating the Method thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any company with a paid-up capital of not less than two hundred and fifty thousand dollars, incorporated and organized under the laws of any state of the United States for the purpose of transacting business as surety on obligations of persons or corporations, and which has complied with all the requirements of the law regulating the ad- Freign surety companies. Amount of capital stock required to be admitted to state.

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mission of such companies to transact business in this state, may be accepted as surety upon the bond of any person or corporation required by the laws of this state to execute a bond; it being the intent of this chapter to enable corporations created for that purpose to become the surety on bonds required by law, subject to all the rights and and liabilities of private persons.

May be accepted as surety upon bonds required by law.

May execute official bonds.

Section 2. Whenever any bond, undertaking, recognizance or other obligation is by law, or the charter, ordinance, rules or regulations of any municipality, board, body organization, or public officer, required or permitted to be made, given, tendered or filed, with surety or sureties, and whenever the performance of any act, duty, or obligation, or the refraining from any act, is required or permitted, to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company qualified to act as surety or guarantor as above provided, and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be in all respects a full and complete compliance with every requirement of the law, charter, ordinance, rule or regulation, that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such surety shall be a resident, or householder, or free holder, or either or both, or possessed of any other qualifications; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat accordingly such bond, undertaking, obligation, recognizance or guaranty when so executed by such company, as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

Bond of one surety company is sufficient although law requires two or more personal sureties, and that sureties shall be residents.

Courts, judges, officers and heads of departments, boards and bodies shall accept such bonds and undertakings.

How company may be released from liability.

Section 3. Such company may be released from its liability on a bond on the same terms and conditions as are by law prescribed for the release of individual sureties.

When surety companies chartered by this State shall render statement to Commissioner of Insurance.

Section 4. Every surety company chartered by this state shall annually, within sixty days after December 31st of the preceding year render to the insurance commissioner a statement, signed and sworn to by its president and secretary,

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stating: the amount of its capital and the manner of its investment, particularizing each item of investment; the amount of bonds upon which such company is surety; and the amount of its liabilities. Such statement shall be made on a printed form furnished by the insurance commissioner, and shall include such other information as the said Commissioner may require.

Form and contents of statement.

Section 5. Any company incorporated and organized under the laws of any state of the United States other than this state, for the purpose of transacting business as surety on obligations of persons or corporations, may transact such business in this state upon complying with the provisions of this chapter, and not otherwise.

When foreign surety company may transact business in this State.

Section 6. Every such company before transacting any busniess in this state shall deposit with the insurance commissioner a copy of its charter or articles of association and a statement signed and sworn to by its president and secretary stating: the amount of its capital, which shall not be less than two hundred and fifty thousand dollars, whether such company does surety business solely or other insurance business together with surety insurance, and the manner of its investment, designating the amount invested in mortgages, in the stock of incorporated companies, stating what companies, in public securities, and also the amount invested in other securities, particularizing each item of investment; the amount of existing bonds upon which such company is surety, stating what portion thereof is secured by the deposit with such company of collateral security, the amount of premium thereon and the amount of its liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due, and giving such other information as the insurance commissioner shall require. The insurance commissioner may thereafter issue to such company a license authorizing it to transact business in this state.

Shall deposit a copy of its charter or articles and a statement with the Commissioner of Insurance.

What statement must contain.

Commissioner of Insurance may issue license, when.

Section 7. No such company shall, directly or indirectly, take risks or transact business in this state until it shall have first appointed, in writing, the insurance commissioner of this state to be the attorney of such company in this state, upon whom all process in any proceeding against such company

Must appoint Commissioner of Insurance its attorney, upon whom process against it may be served.

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What such power-of-attorney shall stipulate and agree.

may be served. Said power of attorney shall stipulate and agree on the part of the company, corporation, or association, that any lawful process against the same which is served on said attorney shall be of the same legal force and validity as if served on the company, corporation, or association, and that the authority shall continue in force so long as the certificate of membership, policy, or liability remains outstanding against the company, corporation, or association, in this state. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the insurance commissioner, and copies certified by him shall be sufficient evidence. Service upon such attorney shall be sufficient service upon the principal.

Such certificate and authority shall be filed in office of the Commissioner of Insurance. Certified copies thereof shall be sufficient evidence.

Commissioner of Insurance shall mail to the secretary of the defendant company a copy of process served on him; and to the resident manager of companies of foreign countries.

Fee for such copies.

Section 8. Whenever lawful process against an insurance company, corporation, or association shall be served upon the insurance commissioner, he shall forthwith mail a copy of such process to the secretary of the company, or, in the case of companies of foreign countries, to the resident manager, if any, in this country. For each copy of process the commissioner shall collect two dollars, which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs if he prevails in the suit.

Statements to be filed annually with Commissioner and time covered therein.

Section 9. Every such company shall deposit with the insurance commissioner, annually, within sixty days after December 31st of the preceding year, a statement similar to that required by Sec. 5, signed and sworn to as therein directed, of the capital of such company, and its investments and risks as aforesaid, to be made up to the thirty-first day of December next preceding, together with such other information as the insurance commissioner may require.

When Commissioner shall issue license.

Duration of license.

To issue only upon filing of annual statements.

Proviso.

Section 10. If the insurance commissioner be satisfied with the statements required by Sec. 5 and 7 of this act, and if such company shall have complied with all other provisions of law, he shall issue his license to it to transact business in this state, said license to continue in force for one year unless sooner revoked, but no such license shall be issued unless such statements are furnished, provided, that the first license may issue upon the filing of the statement required by Sec. 5 of

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this act, provided that all licenses shall expire March 31st, of each year.

When persons shall not act as agents of company.

Section 11. No person shall act within this state as agent for such company, unless it is possessed of two hundred and fifty thousand dollars capital, and such capital to the extent of one hundred thousand dollars is invested in obligations of the United States or obligations created by or under the laws of the state in which such company is located, or in other safe stocks or securities, the value of which at the time of such deposit shall be at or above par, and such investments are deposited with the insurance commissioner, auditor, comptroller, or chief financial officer of the state under whose laws such company is incorporated; nor unless the insurance commissioner of this state is furnished with the certificate of such insurance commissioner, auditor, comptroller, or chief financial officer aforesaid, under his hand and official seal, that he, as such insurance commissioner, auditor, comptroller, or chief financial officer of such state, holds in trust and on deposit for the benefit of all obligees of such company the securities before mentioned, which certificate shall describe the items of security so held, and shall state that he is satisfied that such securities are worth one hundred thousand dollars.

Certificate required of Auditor, Insurance Commissioner, comptroller or chief financial officer of the company.

Who deemed agent of surety company.

Section 12. Every person who shall receive or transmit applications for suretyship or receive for delivery bonds founded on applications forwarded from this state, or otherwise procure suretyship to be effected by such company upon the bonds of, or the bonds given to, persons or corporations in this state shall be deemed an agent of such company.

Agents of surety companies shall first procure certificates of authority from Commissioner of Insurance.

Section 13. No person shall act as agent for such company without first procuring from the insurance commissioner a certificate of authority to act as such agent, the fees for such certificate of authority to be the same as those required of all insurance companies.

Fees for such certificates.

Section 14. Every person who shall act as agent of any such company before it shall have complied with all the requirements of the laws of this state relating to such companies shall be fined one thousand dollars.

Section 15. The insurance commissioner, either personally

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Punishment for acting as agent of unauthoried companies.

or by committee appointed by him, consisting of one or more persons not directors, officers, or agents of any surety company doing business in this state, may at any time examine the affairs of any surety company incorporated by or doing business in this state. The officer or agents of such company shall exhibit its books to said commissioner or committee and otherwise facilitate such examination, and the commissioner or committee may examine under oath the officers and agents of any such company in relation to its affairs. Said commissioner may, if he deem best, publish the result of such investigation in one or more newspapers published in this state, provided that nothing in this section shall be construed to repeal, limit or change the provisions of House Bill 76, Eleventh Legislative Assembly, approved February 13, 1909, relating to the examination of insurance companies.

Commissioner of insurance may examine the affairs of any surety company, foreign or domestic. Officers of the company shall exhibit its books and facilitate such examinations, and the officers and agents may be examined under oath.

Result of investigation may be published.

When Insurance Commissioner shall revoke all licenses and certificates of surety company and its agents.

Section 16. When it shall appear to said commissioner from the statement of any such company or from an examination of its affairs that it is insolvent or is conducting its business fraudulently, or refuses or neglects to comply with the laws of the state relating to such companies, or, if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such bond, undertaking, recognizance or other obligation made or guarantee by it under the provisions of this Act, from which no appeal, writ of error or supersedeas has been taken for ninety days after the rendetion of such judgment or decree, it shall be the duty of the Clerk of the Court in which said judgment or decree was rendered to certify a copy thereof to the Insurance Commissioner, together with the fact that it remains unpaid; said commissioner shall revoke all licenses and the certificates of authority issued to such company and its agents, and he shall cause a notice thereof to be published in one or more newspapers published in this state, and the agent or agents of such company after such notice shall transact no further business in this state. All the expenses of an examination made under the provisions of Sec. 13 shall be paid to said commissioner by the company examined, provided that nothing in this section shall be construed to repeal, limit or change the pro-

Duty of Clerk of Court.

Notice to be published by Commissioner of Insurance.

Expenses of examination, by whom paid.

Proviso.

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visions of House Bill 76, Eleventh Legislative Assembly, approved February 13, 1909, relating to examination of insurance companies.

Fees for filing charters or articles of incorporation.

Fees for filing statement preliminary to admission.

Fee for filing annual Statement

Every foreign surety company and its agent shall pay the Commissioner the same fees as are required of general insurance companies.

Section 17. Every such company organized in this State apply—for admission to transact business in this state shall pay to the insurance commissioner, for the use of the State, ten dollars for filing the copy of its charter or articles of association, ten dollars for filing the statement preliminary to admission, and a like sum for each annual statement thereafter. Every such company organized under the laws of any other state and admitted to transact business in this state, and each agent of every such company shall pay the same fees and taxes to the Insurance Commissioner of this state as are required by the laws of Montana from general insurance companies.

Companies and agents shall pay the same fees and taxes to the Commissioner of Insurance as are required by such other states upon similar companies.

Section 18. Every such company organized under the laws of any other state and admitted to transact business in this state, and each agent of every such company, shall pay the same fees and taxes to the insurance commissioner of this state as are imposed by such other states upon any similar companies incorporated by or organized under the laws of this state or upon the agents of any such companies transacting business in such other state.

Such companies shall maintain a reserve fund for reinsurance equal to fifty per cent of gross amount of premiums received.

Section 19. Every surety company or association chartered by or doing business in this state and having the power to execute or guarantee surety or fidelity bonds or obligations, or guarantee the validity of titles or written instruments, shall at all times keep and maintain a reserve fund for reinsurance equal to fifty per centum of the gross amount of premiums received on business in force.

What annual statement shall contain.

Section 20. Every such company or association shall, in its annual statement to the insurance commissioner, report the gross amount of its risk outstanding on the thirty-first day of the previous December, classifying such risks in such manner as the commissioner shall direct, and shall report the amount of its reserve fund as a liability in such annual statement; and the commissioner may order any such company or association to cease doing business in this state whenever, upon examination of such company or association, he shall

When Commissioner may order surety company to cease doing business in State.

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find that it has failed to comply with any provision of Sec. 19, this section, or Sec. 21 of this Act.

Limit of liability to be incurred on account of one person, partnership, association or corporation unless secured by sufficient collateral agreements.

Section 21. No such company shall incur in behalf or on account of any one person, partnership, association, or corporation, a liability for an amount larger than one-fourth of its paid-up capital and surplus, unless it shall be secured from loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity, by deposit with it in pledge, or conveyance to it in trust for its protection, of property equal in value to the excess of its liability over such limit, or, in case such liability is incurred in behalf or on account of a fiduciary holding property in a trust capacity, by such deposit or other disposition of a sufficient portion of the estate so held that no further sale, mortgage, pledge, or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction.

Further exception.

Shall not deny its corporate power, when.

Section 22. No company which has executed any bond as surety under the provisions of this Act shall deny, in any proceedings for enforcing the liability which it assumed to incur, its corporate power to execute such instrument or assume such liability.

Courts and officers may, in passing upon the accounts of persons required to give bonds, allow a reasonable sum for the expense of procuring a bond.

Section 23. Any court or officer whose duty it is to pass upon the account of any person or corporation required by law to give a bond may, whenever such person or corporation has given any such surety company as surety upon such bond, allow in the settlement of such account a reasonable sum for the expense of procuring such surety.

All deposits of money, securities and other property heretofore deposited by any foreign surety company shall be returned, when.

Section 24. Any and all deposits of money, securities or other property hereto-fore deposited by any foreign surety company in compliance with any law of this state shall be returned to and paid over to the company making such deposit within thirty days after this act shall be in force and effect.

Repealing clause.

Section 25. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 26. This Act shall be in full force and effect, from and after its passage and approval.

Approved March 10, 1909.

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CHAPTER 140.

An Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of corporations, and exempting State Banks trust companies and building and loan associations from its requirements.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907. Section 3850 amended.

Section 1. That Section 3850, Revised Codes of Montana, 1907, be amended to read as follows:

When corporations shall file annual statements.

Section 3850. Every corporation, having a capital stock, except Banks, Trust Companies and Building and Loan Associations, shall annually, within twenty days from and after the thirty-first day of December, file, in the office of the Clerk of the County in which the principal place of business of such corporation is situated, a report which shall state the amount of the capital stock, the proportion thereof actually paid in and the amount thereof actually paid in cash and the amount issued, if any, in payment of property purchased and the amount of existing debts and also the names and addresses of the directors or trustees and of the president, vice-president, general manager and secretary of the corporation. Such report shall be signed by the president and a majority of the directors, inclusive of the president, secretary or treasurer of such corporation. In the absence, or inability to act, of the president, the vice-president may sign and varify such report. If any such corporation shall fail to file such report, directors of the corporation shall be, jointly and severally, liable for all debts or judgments of the corporation then existing, or which may thereafter be in anywise incurred until such report shall be made and filed; provided, however, that if within ten days after such failure a director, or directors, shall make and file, as aforesaid, an affidavit or affidavits, stating that the failure was due to no fault or neglect of his or theirs, and stating, also, that, within the said twenty days, he or they requested the president or sufficient number of the other directors, whose residence was known to the affiants, to join them in making report, such director, or directors, shall not be liable under this Section. If the required report be made and filed after the time herein specified, the directors shall not, on account of the prior failure to make

In office of County Clerk.

Contents of reports.

By whom signed.

When vice-president may act.

Liability of of directors upon failure to file report.

Proviso.

Reports filed after time specified in this Act.

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What statements may be made in case corporation is insolvent or ceased to be a going concern.

report, be liable for the debts thereafter contracted. Where such corporation, on account of insolvency or for any other reason, has ceased to be a going concern and has ceased to voluntarily incur financial obligations, the directors may include a statement to that effect in their report, giving the reasons for the cessation of the corporate activities of such corporation, and, after two annual reports have been filed, the directors shall not be liable for a failure to file annual reports during such time as the disability of such corporation shall continue.

In such cases directors not liable after two annual reports.

Repealing clause.

Section 2. All acts are parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.

CHAPTER 141.

An Act to Amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capitol or insolvency of banks and duties of State Bank Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4004 of the Revised Codes of Montana, 1907, be, and the same is hereby, amended to read as follows:

Duties of State Examiner upon discovery, after examination of any bank, trust deposit or security company or savings bank or evidence of impairment or insolvency.

1. Section 4004. Impairment of capital. Duties of State Examiner. Whenever the State Examiner, after a full and careful examination of the affairs of any banking corporation, trust deposit and security company or savings bank, organized under the laws of Montana, or any foreign corporation or branch thereof doing a banking business in Montana, shall find evidence of impairment or insolvency, he shall immediately prepare and submit a statement of its condition to the Governor and Attorney General, and if the Governor and Attorney General are satisfied from such statement that such impairment or insolvency exists, they shall order the State Bank Examiner either (1) to notify the bank's stockholders to make good such impairment or insolvency in a specified time, or (2) to immediately take charge of such bank or

Statement to be submitted to the Governor and Attorney General.

When the Governor and Attorney General shall order the State Examiner to act.

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trust company and to furnish an official bond for such sum as they designate.

When State Examiner is so ordered he shall take possession of the property of the company and take steps to protect depositors and stockholders.

2. If so ordered, the State Bank Examiner shall forthwith take possession of the books, records, and assets, and shall be authorized and empowered, and is directed to take such action as, in his judgment, is best for the protection of the depositors and stockholders of such bank.

The property of the concern not subject to levy or attachment while in hands of the examiner.

While in charge of the State Bank Examiner, the books, records and assets shall not be subject to any levies or attachments.

If stockholders do not make good impairment. Duty of State Examiner under instructions of the Governor and Attorney General.

3. If the stockholders do not make good the impairing or insolvency within the time required after notification, the State Bank Examiner is authorized to take charge of such Bank, its property and assets, upon direction of the Governor and Attorney General.

Receiver.

4. It appearing necessary to have a Receiver appointed for any such Bank or Banks, the State Examiner shall make full and complete statement of account and report to the Governor with respect to the condition of its business and affairs; and thereafter, should it appear to the Governor that application should be made for the appointment of a Receiver, he shall thereupon direct the Attorney General to file a petition in the District Court of the County in which the Bank is situated, asking for the appointment of a Receiver, in the name of the State of Montana, and such petition shall be controlling, and by the Court so considered and acted upon, even though stockholders, creditors, or others, may have theretofore filed applications for the appointment of a Receiver. When any such petition is filed by the State, no suggestion shall be contained therein as to any particular person to be appointed in such capacity. Receivers of all insolvent Banks shall make reports to the State Bank Examiner in the same manner as is required of other Banks, at least three times each year, when called upon to do so, or at any time when requested by the State Bank Examiner. Any Receiver who refuses to submit the affairs of such Bank to an examination by the State Bank Examiner or his Assistants, or fails to make report when called for by said officer, or who violates any of the pro-

When application for the appointment of a receiver shall be made.

Appointment of any particular person as receiver shall be suggested.

Duty of receiver.

When a receiver shall be subject to removal.

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visions of law relating to examination of banks, shall be subject to removal.

Compensation of receivers.

5. The Receiver provided for in this Section shall receive such compensation as shall be allowed by the court, but in no event to exceed the fees allowed executors and administrators in administration of estates.

How expenses of State Bank Examiner shall be paid.

6. The expense for travelling, hotel bills and time actually spent, incurred by the State Bank Examiner's office in performance of the duties imposed by this Section, shall be paid in full by the Bank to the State Treasurer and by him credited to the State Examiner's fund.

Repealing clause.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section III. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 11, 1909.

CHAPTER 142.

An Act Entitled, "An Act Authorizing Persons who are the Owners, Lessees or who otherwise controle the Land surrounding any Lakes or Ponds in the State of Montana, and who have Established Fish Hatcheries on the Shores of such Lakes or Ponds, to catch Fish therein and to Sell or Offer for Sale the Same, and to Ship same within the State of Montana, Prohibiting the Shipping and Sale of such Fish out of the State, and Providing Punishment for the Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Persons maintaining fish hatcheries on shores or lakes, and owning or controlling the surrounding lands.

Section 1. Any person who is the owner, lessee, or who otherwise controls the land surrounding any lake or pond within this State, who shall have established, or who shall hereafter establish and operate and maintain on the shores of said lake or pond a fish hatchery with a capacity for hatching, Five Hundred Thousand (500,000) fish eggs at one hatching and who shall deposit in said lake not less than 500,000 spawn or fry annually shall have the right to catch fish within said Lake with seine, or hook and line and if they have maintained said fish hatchery for the period of

May catch fish within said lake with seine, hook and line, and after maintaining hatchery for three years, may sell fish.

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three (3) years, they may sell or offer for sale any fish so caught, within the State of Montana, providing at the time of the selling or offering for sale, they shall continue to maintain said hatchery, and providing further that none of the fish so caught shall be sold or shipped out of the State of Montana nor shall any trout of less than nine inches in length be offered for sale.

Shall not sell or ship such fish out of State.

Section 2. Any person or persons maintaining a fish hatchery the number of spawn or fry deposited in said lake or pond as provided for in Section 1 thereof, shall, upon request of the State Game and Fish Warden make a report to him, said reports not to exceed more than two (2) per year, of the number of eggs hatched at said hatchery and of the number of pounds of fish sold by him within the State of Montana.

Reports to Game and Fish Warden.

Section 3. Nothing in this Act shall be so construed as to prohibit any person from catching fish with a hook and line in any such lakes or ponds nor camping upon the lands adjacent thereto.

Other persons may catch fish with line and hook and camp on shores of lake and pond, so far as this Act is concerned.

Section 4. Any person or persons who shall violate any of the provisions of this Act by selling or shipping or causing to be sold or shipped out of the State of Montana, any fish caught as herein provided, shall be guilty of a misdemeanor and punishable by a fine of not less than Twenty-five ($25.00) Dollars, nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the County Jail, not more than six (6) months or by both such fine and imprisonment.

Violation of the provisions of this Act a misdemeanor.

Penalty.

Section 5. This Act shall take effect and be in force from and after its passage.

When Act takes effect.

Approved March 11, 1909.

CHAPTER 143.

An Act to provide for the permanent improvement of Main Highways, by extension of County aid for such purpose; to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby, for the payment of a part of the cost thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The County Surveyor, acting under instruc-

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Duties of County Surveyor regarding "main highway."

tion from the Board of County Commissioners of any County, desiring to improve a piece of "main highway" under this Act, shall have power, and it shall be his duty as hereinafter provided, to lay out locate, construct and improve any county road where it has been determined, as provided for in this Act, that such piece of road is of such importance as to be classed as "main highway" by grading, draining, graveling, planking, corduroying, macadamizing or otherwise improving the same, or to improve any such main highway theretofore laid out by straightening, changing, grading, draining, graveling planking, corduroying, macadamizing or otherwise improving the same within the limits of such County.

Petition of residents to Board of County Commissioners.

Section 2. The resident owners of real estate of any County in this State, situated within two miles on either side and one mile beyond the terminus of any such "main highway" desiring to have same improved, shall present to the Board of County Commissioners of their County or Counties a petition signed by a majority of such resident land owners, whose lands are within the limit as above provided, setting forth that they are such resident owners and that they desire such "main highway" or section thereof improved under the provisions of this act; which said petition shall describe the place of beginning, intermediate points and terminus of each improvement as nearly as practicable. Upon the filing of said petition the Board of County Commissioners shall inspect the same, and if, in their judgment, the proposed road or improvement is, or will be, of such public use and utility and of sufficient benefit to be classed as a "main highway" they shall approve said petition and except the said Board of County Commissioners, shall decide that for special reasons the district covering such proposed improvement shall be of a different size, the limits above shall at all times be the limits of a district for the improvement of "main highways" hereunder; however the Board of County Commissioners may establish a district smaller than the above where two or more "main highways" may run within the said limit of two miles on either side and one mile beyond the terminus of any such proposed improvements, or where a stream may make it impracticable to maintain the district as herein

What petition shall set forth.

Inspections and approval of County Commissioners.

Limits of district.

When may be reduced.

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described; they too, may establish a larger district where in their judgment "main highway" to be so improved will prove beneficial to the residents of a larger district and will not particularly conflict with other "main highways" likely to be improved under this Act. Such board of County Commissioners shall then adopt and enter upon the minutes of their proceedings, a resolution that public interest demands improvement of this particular "main highway," or section thereof, situated within such county and described in such resolution, and shall, within ten days thereafter, transmit a certified copy thereof to the County Surveyor, provided; that residents of incorporated cities and towns are not petitioners within the meaning of this Section.

When may be increased.

Resolution to be adopted and recorded by Board of County Commissioners.

Residents of incorporated cities and towns are not petitioners.

Section 3. Upon the receipt of such certified copy of said resolution, the County Surveyor shall cause the said "main highway" or section thereof therein described to be mapped both in out-line and profile. He shall indicate how much of such "main highway" or section thereof, if any, may be improved by deviation from the existing line whenever it shall be deemed of advantage to obtain a shorter or more direct route without lessening its usefulness, or wherever such deviation is of advantage by reason of lessening the grades thereof. He shall also cause plans and specifications to be drawn on such main highway or section thereof, to be thus improved, specifying the kinds of improvements taking into consideration climate, soil and material to be had in the vicinity thereof, and the extent and nature of the traffic likely to be upon such highway and specifying in his judgment the kind of road that wise economy demands. The improved or permanent road of all such "main highways" so improved shall not be less than eight feet nor more than sixteen feet in width unless for special reasons, to be stated by the County Surveyor, it is required that it shall be of greater width; the exact width of the improvement to be finally determined by the Board of County Commissioners of the County wherein the improvement is to be made. Upon the completion of such maps, plans and specifications, the County Surveyor shall cause an estimate to be made of the cost of construction of the same and transmit it to the Board of

Maps of "main highway" to be made by County Surveyor.

Specifications.

Width of road.

Exact width to be finally determined by Board of County Commissioners.

Estimate and certified copy of map, plans and specifications.

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County Commissioners from which such resolution proceeded, together with a certified copy of such maps, plans and specifications and the certificate of approval of the same as a "main highway," or section thereof, so designated as aforesaid.

Notice to interested persons of contemplated action by Commissioners to be published for not less than ten days.

Section 4. After the receipt thereof by the Board of County Commissioners they shall have published a notice to interested persons of their contemplated action, stating therein the date for such persons to appear in the Commissioners Chambers at the County Court House at a time not less than ten days from the date of such notice to present objections, if any, to such proposed improvements, and following such hearing if they again approve said improvement, they shall adopt and enter on the minutes of their proceedings a second resolution setting forth that such "main highway," or section thereof, shall be constructed or improved as per said plans and specifications and under the provisions of this act and shall thereupon transmit a certified copy of such second resolution to the State Engineer. In case the boundaries of such proposed improvement shall deviate from the existing county road the Board of County Commissioners must make all necessary provision for securing the necessary rights of way and see that such "main highway" be made a legal county road prior to the commencement of work on any such improvement.

Hearing of interested parties.

Second resolution of the County Commissioners.

Right of way.

When and for how long Commissioners shall advertise for bids for construction or improvements.

Section 5. Within ten days after the adoption of the resolution provided for in the preceding Section, the Board of County Commissioners, adopting the same shall advertise for bids for two successive weeks in a newspaper published at the County Seat of such county, and in such other newspapers of general state circulation as may be selected by the Board of County Commissioners, if it shall be deemed of sufficient advantage, for the construction or improvement of such "main highways" or section thereof, according to the plans and specifications; and such Board of County Commissioners shall award such contract to the lowest responsible bidder, the right being at all times reserved to reject any or all such bids received. Such Board of County Commissioners before entering into any contract for such construction or improvement, shall require a bond of sufficient sureties, condi-

Award of contract.

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tioned that the party or parties thereto will perform the work upon the terms proposed, within the time prescribed and in accordance with the plans and specifications thereof; and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed during the construction of such road and until the same is duly accepted. Neither the county in which the contract is to be performed, nor the State of Montana shall in any case be liable for any damage suffered. Partial payments may be provided for in the contract, and paid from time to time as the work progresses and in the manner herein provided, when duly certified to by the County Surveyor or other persons having charge of such work as hereinafter provided to an amount not to exceed 75 per centum of the estimated value of the work done; 25 per centum of the contract price to be retained until the entire work has been completed and accepted.

Bond of successful bidder and conditions thereof.

No liability of county or State for damages.

How payments may be provided for.

Twenty-five per centum of contract price to be retained until completion.

The County Surveyor in the County in which such "main highway" or section thereof, is to be improved shall have general charge and supervision of the work, and shall report to the Board of County Commissioners of this County from time to time the progress of the work and such facts in relation thereto as may be required; if there is no County Surveyor the Board of County Commissioners wherein the work is to be done, shall appoint some competent person to have general charge and supervision of the work as above provided.

County Surveyor to have general supervision of the work.

Reports to County Commissioners.

When Commissioners may appoint some person to superintend work.

Provided; that in the event no satisfactory bid be received as herein provided, that the Board of County Commissioners of the County wherein the improvement is to be taken, may cause the work to be performed by reliable parties under the direction of the State Engineer without havnag to contract same as herein provided.

If no satisfactory bid is received, power of Commissioners.

Section 6. It is the intention hereof to extend County aid to the extent of 65 per cent of the cost of so permanently improving the "main highways" throughout any County wherever the residents living adjacent to such "main highways" as in this provided shall show a willingness to assist in such improvement to the extent of the payment of the remaining 35 per cent of the cost thereof.

Intention of this Act that county pay sixty five per cent of cost of improvement.

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Appraisement and assessment of benefits.

Section 7. When any improvement has been determined upon under this Act the Board of County Commissioners shall appoint three disinterested freeholders of the County as viewers and appraisers to appraise and assess the value of the benefits to all lands within two miles on either side and one mile beyond the terminus of such improvements, or such lands as may have been determined and set aside by the Board of County Commissioners as lands properly within such district for assessment purposes in connection with the improvement of "main highways" hereunder. That within five days thereafter the County Clerk shall cause said viewers and appraisers to be notified of the fact of their appointment and requiring them to meet at a day and place to be directed by order of said Board of County Commissioners. That said viewers and appraisers or a majority of them shall meet on the day and at a place designated and shall make an apportionment of the value of the benefits to all lands within said limits so that the whole of said apportionment shall equal 35 per cent of the entire cost of the improvement, together with all incidental expenses and all costs of the appraisement. That prior to the entry upon their said duties, the said viewers and appraisers shall each take and subscribe and file with the County Clerk an oath to faithfully discharge the duties of their appointment. The compensation of said viewers and appraisers shall be fixed by the Board of County Commissioners and paid out of the special fund as herein provided for; provided that the lands within incorporated cities and towns shall not be considered in said appraisement and apportionment.

Notice to viewers and appraisers.

Meetings and duties of viewers and appraisers.

Oath of viewers and appraisers.

Compensation of viewers and appraisers.

Lands within incorporated cities and towns not to be included.

Report of viewers and appraisers, and the filing thereof.

Section 8. The viewers and appraisers, or a majority of them, as soon as they have performed the duties prescribed by the preceding Section, or within 15 days thereafter, shall make a report in writing of their findings and file the same with the County Clerk, which report shall show the proportionate. All lands shall be assessed in such quantitues as may be considered the most practicable, not to exceed 160 acres in any one tract. Within 15 days from the date of filing said report by the viewers and appraisers, interested landowners may remonstrate against said report, which remon-

How lands shall be assessed.

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strance shall be verified by affidavit. The report of the viewers and appraisers being taken as prima facie evidence of the facts therein stated. The Board of County Commissioners shall try the issue formed and if they find for the remonstrator, it shall modify the assessment and equalize the benefits as justice may require and as thus codified and equalized said report shall stand and be adjudged valid. Provided, that in all cases where, under the provisions of this Act, two roads might be in course of construction or improvement in close proximity to each other, at the same time, or in all cases where any road has been constructed or improved under this act and another road shall be thereafter constructed or improved in the same vicinity, under the provision hereof, so that the limit of each road might cause an overlapping of lands against which benefits are to be assessed, then and in each case the amount to be assessed as benefits against all such land included within the overlapping lands of each road shall be equitable determined by the Board of County Commissioners upon the report of said viewers and appraisers, to the end that such lands shall pay only a just and equitable proportion of the cost of constructing or improving each such road as compared with other lands not within such overlap, taking into consideration the additional benefits, if any, accruing to such lands by reason of the improvements of each road respectively.

Interested owners may remonstrate.

Prima facie evidence of what.

Board of County Commissioners to try issues formed, and may modify assessments.

Proviso for cases where improvement districts over-lap.

Additional benefits to be taken into consideration.

Section 9. Such assessments of benefits, when confirmed by the Board of County Commissioners shall be final and shall constitute a first lien upon the real estate against which benefits are assessed, which lien shall relate back and bind the said real estate so assessed, from the time of the adoption of the second resolution by the Board of County Commissioners declaring the improvement. The Board of County Commissioners shall order that the assessment of benefits against all such lands shall be entered in a book known as the "Highway Improvement Lien Docket" of said County and to be kept in the office of the County Clerk. Said assessment must be paid within 30 days from date of entry; provided, however, if not so paid the County Treasurer shall, upon order of the Board of County Commissioners, execute

When assessments of benefits become final.

Lien upon all real property. Commencement of liens.

When assessments of benefits shall be recorded.

When assessments must be paid.

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Non-taxable certificates, what to contain.

non-taxable certificates, which shall certify the sum assessed against each tract of land, respectively, and that the same is to be paid in six equal installments, in one, two, three, four, five and six years from the date of the certificate and that the whole amount of any certificate may be paid at any time.

Payable in installments.

Such certificates shall bear interest at a rate not to exceed six per cent per annum from date until paid, the rate of interest to be fixed by the Board of County Commissioners at time of issue. Interest payable annually, and if any installment is not paid when due, or within thirty days thereafter, then in such case, the whole certificate shall become due and payable.

Interest certificates shall bear.

Interest payable annually.

The county shall pay sixty-five per cent of the cost of improvement or construction.

Section 10. Sixty-five per cent of the expense of the construction or improvement of any such "main highway" shall be a county charge in the first instance against the county wherein the improvement is made and main Highway situated and the same shall be paid by the County Treasurer of such county in which such improvement is being made, upon warrants duly drawn by the County Clerk, upon the requisition of such County Surveyor or other person having charge of the improvements done and the order of said Board of County Commissioners. But the amount so paid shall be so apportioned by the Board of County Commissioners that in fact but 65 per cent of the entire cost of such improvement shall be a general county charge, unless otherwise ordered by such Board of County Commissioners under the provision contained in Section 11 of this Act, while the remaining cost of such improvement, together with the costs of appraisement as herein provided for, shall be charged against the lands benefited as herein set forth and as represented by the certificates above mentioned. Such certificates may be paid out of the County Treasurer on an order of the Board of County Commissioners in payment of the property-holder's portion of said improvement, or he may, upon an order of said Board of County Commissioners negotiate the sale of such certificates at not less than par value thereof, and the proceeds of such sale shall be kept by the said County Treasure in a separate fund, to be known as the "main highway" improvement fund, to be used only in pay-

Warrants, How and when drawn.

Board of Commissioners shall apportion the amount paid, how.

How non-taxable certificates may be paid or negotiated.

Proceeds of sale of non-taxable certificates, how kept.

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ment of warrants issued in lieu of such certificates and shall be paid out by him on warrants drawn on such fund and marked "main highway improvement fund warrants," by order of the Board of County Commissioners.

Warrants, how designated.

The holder of any such certificate, when any installment thereof comes due and remains unpaid, may maintain an action thereon in his or their own name in any court of competent jurisdiction, and any judgment thereon shall include reasonable attorney's fees and there shall be a decree ordering the real estate described in the certificate to be sold for the payment of said judgment. Such certificate shall be assignable by endorsement and notice to the County Treasurer of the name and post office address of the assignee. The County Treasurer shall keep a correct list of this act, and record the same in a suitable book to be furnished him by the Board of County Commissioners for that purpose. Seperate lists shall be kept of all certificates issued by him on each particular improvement made under this act, the list, shall show, the name or number designating the improvement for which the assessment was made, the number of each certificate, the description of the tract assessed, the amount of the certificate, the amount of each annual installment and the name, and the postoffice address of the purchaser and assignee thereof. All payments All payments on said Certificates, either on account of any installment as the same may become due, or of the whole of any certificate, shall be made to the County Treasurer, who shall credit the same under the proper date and column in the book provided for such purpose and pay the same to the holder of such certificate, who shall endorse said payment on the back of said certificate with the date of such payment and in the presence of said County Treasurer, or by taking a receipt therefor. Whenever any installment of the whole amount of any certificate, including interest to the date of payment, shall have been paid into the County Treasurer, he shall at once notify the holder of such certificate by letter or postal addressed to him to the postoffice address as shown on the records, the fact of such payment having been so made and interest on said amount shall cease from the date of such notice. Upon

Action for collection of non-taxable certificates.

Judgment may include reasonable attorney's fees.

Sale of real estate.

How certificates may be assigned.

County Treasurer to keep and record a correct list.

Lists of certificates issued by County Treasurer.

What to show.

Payments on certificates to be made to County Treasurer.

Where credits extend.

Holder shall indorse payments on back of non-taxable certificates.

Notice of full payment of certificate.

Surrender and cancellation of paid certificates.

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payment by the County Treasurer of the whole amount, or balance hitherto unpaid on any certificate, said certificate or certificates shall be surrendered to the County Treasurer, who shall cancel and file them with the County Clerk, and the lien shall be marked as satisfied by the County Clerk, upon the lien docket upon final payment of same. When all the certificates on account of any particular improvement shall have been so redeemed, cancelled and filed, as above provided, the County Clerk shall destroy the same by order of, and in the presence of, the Board of County Commissioners.

When County Clerk shall make notation of payment of lien.

Destruction of paid certificates by Clerk.

Order in which construction and improvement of "main highways" shall be taken up.

Section 11. The construction and improvement of "main highways" and sections thereof under the provisions of this Act, shall be taken up and carried forward in the order in which they are finally designated, as determined by the date of the receipt by the County Surveyor in each case of the certified copy of the resolution as herein provided for in the first instance.

Power of Boards of County Commissioners to levy annual taxes to pay county's portion of such construction and improvements.

Section 12. The Board of County Commissioners of the several counties of the State are hereby empowered and directed to levy such tax annually as in their judgment will be neccessary to take care of the County's share of the improvement and construction of "main highways" under this act; provided, that in case the County's share shall exceed in any year the amount provided by such tax levy, then the said Board of County Commissioners are hereby directed to levy such additional tax the succeeding year as will be necessary to discharge any indebtedness of the County caused by the excess of such improvement in any one year over the amount provided by the levy for such year.

When additional taxes may be levied.

"Main highway" as used in Act defined.

Section 13. The words "main highway" whenever used in this act shall be construed to include all bridges upon, or which form a part of, the said "main highway" to be constructed or improved.

Repealing clause.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 15. This Act shall take effect an be in force from and after its passage and approval.

Approved March 11, 1909.

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CHAPTER 144.

An Act to Amend Chapter 106 of the Laws of 1905, being, "An Act to provide for the construction of drains and the assessment and collection of taxes therefor" by amending Sections 5 and 6 of Article 1, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19 of Article 2, Sections 1, 2, 3 and 4 of Article 3, Section 1, 2, 4, 6 and 9 of Article 4, Sections 1, 2, 3 and 4 of Article 5, Section 6 of Article 6, and Section 18 of Article 8 thereof; and by adding a section to Article 2 thereof to be known as section 22, and by adding a section to Article 4 thereof to be known as section 10, providing for appeals from awards of special commissioners and assessments of boards of review, and repealing Sections 5, 11 and 12 of Article 5 thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Lawis of 1905, Article 1, Sections 5 and 6; Article 2; Sections 1–15 inclusive and 18–19; Article 3, Sections 1–4 inclusive; Article 4, Sections 1, 2, 4, 6; and Article 5, Sections 1–4 inclusive; Article 6, Section 6; Article 8, Section 18, Chapter 106 amended, (being Sections 2407, 2408, 2412–2420 inclusive, 2422–2426 inclusive, 2429–2430 inclusive, 2433–2438 inclusive; 2440, 2442 and 2445, 2446–2449 inclusive, 2466 and 2493, Revised Codes of 1907.)

Section 1. That Sections 5 and 6 of Article 1, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19, of Article 2, Sections 1, 2, 3 and 4, of Article 3, Sections 1, 2, 4, 6 and 9, of Article 4, Sections, 1, 2, 3 and 4, of Article 5, Section 6 of Article 6, and Section 18 of Article 8, of Chapter 106, of the Laws of 1905, being "An Act to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor," be and the same are hereby amended to read as follows:

Article 1.

Drain Commissioner shall establish drains when proposed to be run through a city or town.

Section 5. In case it is proposed to run a part or parts of a drain through any incorporated city or town, all of such drains shall be located, established and constructed and the assessment for its construction made by the county drain commissioner in the same manner as herein provided for the construction of other drains. Whenever such part or parts of said drain shall be located within any street, highway or public place, of any town or city, then a resolution adopted by a majority vote of the common council of said town or city, granting leave to construct such drain therein, and designating the name of the street or pointing out the alley or other public place to be traversed by such drain, shall be sufficient release of the right of way, and shall be deemed

When drain Located in any highway of city or town, how right of way released.

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Council may permit open drain.

a sufficient conveyance under the provisions of this Act, and said common council may permit the construction of an open drain if such consent be expressly set forth in such resolution.

Duties of county drain commissioner.

Section 6. It shall be the duty of each county drain commissioner to make and keep a full financial statement of each drain laid out by him. The county drain commissioner shall also make and keep in his office, in a book to be provided for that purpose, a complete record of each drain laid out or applied for under his supervision, under the provision of this Act, which record shall include a copy of the application for the laying out of the drain, of the minutes of the survey, of the releases of the right of way where the same has been released, together with the minutes of his doings, of his orders of determination of the necessity for, and of the establishing the drain, and his assessments of benefits. Where special commissioners have been called it shall also contain a copy of the application to the district court, of the return of the special commissioners, and of all other papers in his office necessary to show a complete history of each drain.

Record of drains laid out.

Article 2.

Application for locating and establishing drain.

Section 1. Before the commissioner takes any action towards locating or establishing any drain there shall be filed with him an application giving a general description of the beginning, the route and the terminus thereof, signed by not less than ten freeholders of the county or counties in which such drain or the lands to be drained thereby and to be assessed therefor may be situated; also that five or more of said signers shall be owners of lands liable to an assessment for benefits in the construction of such drain: Provided, that where there are only three or less property owners liable to assessments for benefits only one of such owners of lands so liable shall be necessary upon such application. And in case any county drain commissioner shall directly or indirectly solicit signatures to an application for any drain he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars or imprisoned in the county jail not to exceed ninety days or be punished by both such fine and imprisonment in the discretion of the court,

By whom signed.

Proviso.

Misdemeanor for commissioner to solicit signatures.

Penalty.

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and the office of such drain commissioner shall be deemed vacant, and the drain commissioner so convicted shall be incapable of again holding the office of county drain commissioner. Such applicants shall be jointly and severally liable for all costs and expenses in case the county drain commissioner upon examination and survey shall determine that the same is unnecessary or impracticable or in case the proceedings shall be dismissed upon application of a majority of the petitioners or for other cause. If the persons signing such application shall refuse to pay such costs and expenses the county drain commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses with costs of suit. If upon the presentation of such application the county drain commissioner shall deem the financial responsibility of the applicants insufficient he shall have the right to return such application for additional signatures.

Applicants liable for costs and expenses, when.

In case of refusal to pay, commissioner to bring suit.

Section 2. Upon the fiilng of such application the county drain commissioner authorized to act thereon shall as soon as practicable thereafter proceed to personally examine the route of the proposed drain and if in his opinion it is necessary and conducive to the improvement or reclamation of agricultural lands, public health, convenience or welfare, that the application should be granted, he shall, as a means of determining the practicability thereof, make a survey and measurement of the line of the proposed drain, or cause the same to be made by a competent surveyor. If upon such survey he shall find such drain to be practicable, he shall within ninety days make his first order of determination in writing in accordance therewith, therein particularly naming such drain by which it shall thereafter be known and shall establish the commencement, route, and terminus of said drain, and the width, length and depth thereof, and shall set survey or grade stakes not more than eight rods apart. For such purpose he shall have the right to enter upon any such lands traversed by the route of the proposed drain, or on any land that will be benefited by such drain. In locating such drain the county drain commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the

Drain commissioner to personally examine route of proposed drain.

When survey to be made.

Order of determination in case drain found practicable.

Name drain.

Right to enter upon lands.

Starting point and route.

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What minutes of survey shall show.

survey shall show the line and route of the drain, the points where the line of the drain crosses the boundary lines of each owner's land and the length thereof upon his land, and the width of surface excavation that will be required in its construction and shall also show, by words, or letters and figures, the width of ground that will be required for the deposition of earth, and every release of right of way shall be deemed to include the extreme width thus shown.

What costs and expenses owners of land shall pay.

Section 3. If at any time after the county drain commissioner has issued his first order of determination, establishing such drain as provided in the preceding Section, and before the letting of any contract for constructing the same all the owners of the lands through which, or the benefit of which such drain is located, shall, by themselves, their agents or attorneys, pay to the county drain commissioner all the costs and expenses thus far incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties and in such sum as the county drain commissioner may require, to construct so much of such drain, and on such route, and of such dimensions as the said commissioner may, in such contract determine, and to pay all expenses necessary to be incurred in the construction of same, then the county drain commissioner may so contract with such owner or owners, and such drain, when so finished and accepted shall be certified by the county drain commissioner as a drain lawfully constructed in pursuance of the provisions of this Act, and shall be recorded in the same manner as other drains. If any such contracts are not fulfilled by the time limited therein, the county drain commissioner may contract with other parties for the completion of the work, and the parties so in default, and their sureties, shall be liable for all costs and expenses attending such default.

Contract by owners for construction to build portions of drain.

Drain to be certified by commissioner, when.

If drain not constructed within time limit.

When application may be made for special commissioners.

Section 4. If within twenty days after the making of such first order of determination, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the county drain commissioner shall, as soon as practicable, make application to the district court of the

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county in which such lands are situated, for the appointment of three disinterested special commissioners, who shall be resident free holders of the county, but not of the district or districts traversed by such drain, to determine the necessity therefor, and for the taking of private property for the use and benefit of the public, for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing and shall set forth:

Qualifications and purposes of special commissioners.

First, The fact that an application for a drain was made, and when, filing with said court a certified copy of such application, also giving the route, survey and specifications of said drain as set forth in the first order of determination:

Application, what to contain.

Second, That an order determining the necessity for such drain was made by the county drain commissioner, giving the time when such order was made, in accordance with such route, survey and specifications as above set forth:

Third. (1) The several descriptions of tracts of land with the names of the owner or owners of every such tract who have refused or neglected to execute a release of right of way and damages in any way arising or incident to the opening or maintaining the said proposed drain. If any such owner is a minor, incompetent person, and unknown person, or nonresident of the county or counties, the application shall so state: (2) It shall not be necessary to set forth in said application to the district court the names of the several owners nor the descriptions of the several tracts or parcels of lands liable to an assessment for benefits, in case the drain applied for should be located and established, except those who have not released the right of way and through whose land the drain passes; nor shall the same be included in the citation issued from the district court.

Section 5. The court to whom such application is made shall make an examination at the time of such application of all the proceedings of the county drain commissioner so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than fifteen nor more than forty days thereafter and the court shall issue a citation to all persons whose

Court to whom application is made to examine proceedings of the drain commissioner.

Time and place of hearing.

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lands are traversed by such drain, who have not released the right of way, and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted, and any error or errors that may have been made in any of the proceedings thus far had shall be raised and taken advantage of at such time and before such court, and if not so raised and taken advantage of at such time and before such court shall be deemed to have been waived by all persons cited to appear under this notice. If any person on whom such service is to be made is a minor or an incompetent person who resides in this State, such service shall be made as herein provided on his guardian, or if none, then on the person who may for such purpose be appointed special guardian and also on the person who has the care of, or with whom such minor or incompetent person resides. In case any person whose lands are traversed by said drain is a minor or an incompetent person, and has no guardian, the said court or the judge of said court shall appoint a special guardian, to appear for and attend to the interests of such minor or incompetent person and all notices to be served in the progress of the proceedings shall be served on such special guardian.

To issue citations.

How and when errors to be taken advantage of.

Minors and incompetent persons.

Guardians.

Citation shall recite.

Section 6. The citation shall recite so much of the premises as will show jurisdiction, giving a description of the land traversed by such drain, and shall be addressed to all owners by name, except in case of non-residents of the county whose names are not known. It shall describe the drain by its commencement, terminus and general course, and shall set forth that land owned by the persons to whom it is addressed will be crossed by such drain and may be subject to assessment for its construction, and that a description and survey of such drain is on file with the court issuing such citation, and describe the land to be taken. Such citation shall be personally served by the county drain commissioner or some other competent person, upon every person whose lands are traversed by the said drain, who has not released the right of way and all damages on account thereof, and who resides

Service of citation.

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within the county by delivering to him or her a copy thereof or by leaving the same at his or her residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit showing the time, place and manner of such service. Citations shall be served upon cities and incorporated towns by leaving a copy thereof with the mayor and street commissioner, if there be one; upon the State by leaving or mailing a copy thereto the State Land Commissioner and the prosecuting attorney of the county in which such lands are situated; upon railroad companies by leaving a copy thereof with the agent of any ticket of freight office of the company operating such railroads, and upon other corporations by serving the same upon the officer or person designated by law in cases of serving civil process. If any lands involved are owned by nonresidents of the county or counties, a copy of the citation so far as it affects such lands shall be published in some newspaper published and circulated in the county in which such lands are located for at least two weeks previous to the day of hearing and mailed to such non resident owner at his place of residence, if known, which shall be deemed to be sufficient notice to all such parties. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in the case of personal service.

Ten days before hearing.

Proof of service required.

Service in cities and incorporated towns.

Service upon the State.

Upon railroads.

Other corporations.

Service upon non-residents by publication.

Section 7. The court to whom such application is made shall at the time and place fixed in the citation or at any time to which it may adjourn, and upon proof of service when required, proceed to hear all persons whose lands are traversed by said proposed drain, and all such persons may show cause against the prayer set forth in the application, and may disprove any of the facts alleged therein, and may raise any and all objections to any errors or irregularities made in the proceedings had thus far, if any, and the said court shall hear the proofs and allegations of the parties, and the objections so made to the proceedings, if any there be, and if no

When court shall proceed to hearing.

When court shall appoint special commissioners.

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sufficient cause is shown against granting the prayer set forth in said application, the said court shall make an order appointing three disinterested and competent resident freeholders of said county not residents of the district traversed or benefitted by the drain, as special commissioners to ascertain and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way for such drain. Such court shall immediately upon the appointment of such commissioners, and with the concurrence of the county drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the county drain commissioner and other parties, who have not released the right of way, to consider the matters and things with respect to which they have been appointed, and the said court shall make public announcement thereof, and thereupon the proceedings shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case; Provided, That if it shall appear at such hearing that all parties have not been duly notified, the court may adjourn such hearing for a period sufficiently long to enable the county drain commissioner to duly notify such parties in the manner heretofore provided and it shall not be necessary to again notify the parties who have received legal notice in the first instance. The district court shall, if necessary, allow the county drain commissioner to amend his application at any time before the appointment of special commissioners and in case there is shown to be error in the proceedings of the county drain commissioner the district court shall adjourn the hearing for sufficient time to allow the said commissioner to correct such error or errors; Provided, The application to establish the drain is shown to be sufficient under the statute.

Time and place of hearing by special commissioners.

Proceedings deemed continuing proceedings.

Record in the case.

When court may adjourn proceedings.

No further notice required.

Amendment of application.

Adjournment to correct errors.

Proviso.

Section 8. If the court shall have granted the prayer set forth in the application, such court shall proceed to deliver to the county drain commissioner a copy of the order appointing the special commissioners, and fixing the time and place

Delivery of order appointing special commissioners, and fixing time and place of meeting.

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of the first meeting of said commissioners, and the drain commissioner shall deliver a copy of such order to each of said special commissioners. In case any such special commissioner neglects or refuses to meet at such time and place with said county drain commissioner, the said county drain commissioner shall adjourn such day of meeting for a period not to exceed thirty days, and he shall give public notice by proclamation of the date, time and place of such adjourned meeting, and he and the parties who appear at the hearing before the court in obedience to the aforesaid citation may appoint some competent person to act as commissioner in lieu of the special commissioner so neglecting or refusing to meet at the time and place designated, which appointment shall be in writing and signed by the drain commissioner and said parties and filed in the court appointing such special commissioners in the first instance. If the drain commissioner and said parties cannot agree upon a special commission to fill said vacancy then the county drain commissioner shall, as soon as practicable, make application to the judge of the district court, who shall appoint a special commissioner to fill such vacancy. The parties appearing in obedience to the citation of the court hereinbefore mentioned shall have notice of the time and place when and where such vacancy will be filled by the judge of the district court. Said special commissioners shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity for such drain, and the taking of private property for the use and benefit of the public for the purpose thereof and the just compensation to be paid therefor. The said special commissioners, with the county drain commissioner and the other parties in interest who may be present, who have not released the right of way for said proposed drain, shall meet at the time and place ordered by said court and proceed at that time, or at any time to which they may adjourn, to view such premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

When County Commissioners may adjourn time of meeting of special commissioners.

Notice of the date.

Appointment in case any special commissioner fails to meet.

Application to the court for appointment to fill vacancy.

Notice of filling vacancy.

Oath of special commissioners.

Viewing of the premises.

Section 9. The said special commissioners shall hear the

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Duties of special commissioners.

proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, and for the taking of such private property for the use and benefit of the public, the purpose thereof, and the just compensation to be made therefor in each case, which compensation shall be determined without reference to any benefits that may accrue to the land in consequence of the construction of such proposed drain. There shall be produced by the county drain commissioner at such hearing, the original application for the laying out of such drain, and the minutes of his action thereon, so far as had, also the first order of determination and the application to the district court, with the citation annexed and a copy of all proceedings in the district court, the original minutes of the survey, signed by the surveyor or and the order appointing the special commissioners as the case may be. The special commissioners may adjourn such hearing from day to day, for any cause, not exceeding in all thirty days, announcement of which adjournment shall be then and there publicly made.

Compensation, how determined.

Papers to be produced at hearing of special commissioners.

May adjourn from day to day, but not exceeding thirty days.

Returns of special commissioners, when shall be made.

Section 10. The said special commissioners shall within forty days from the date of their first meeting make a return in writing of their hearing, determination and of their several awards. The special commissioners shall file their return with the county drain commissioner who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the special commissioners for correction. The special commissioners shall thereupon proceed to correct their return, and file the same with the county drain commissioner within five days. When the county drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. Such return shall be deemed sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other use or purpose whatever; provided, that no appeal therefrom is taken as hereafter provided.

Filing of return.

County Commissioners shall examine the return, and if not correct shall return it for correction

Correction of return.

Such returns shall be deemed to vest fee of land.

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If drain found unnecessary proceedings shall be dismissed.

Section 11. In case the special commissioners shall decide such drain to be unnecessary they shall so state in their return, and the county drain commissioner shall thereupon dismiss the proceedings of the cost of the applicants, and no further application for the same shall be entertained within one year thereafter.

If all the owners shall release right of way damage proceedings shall be dismissed.

Section 12. If at any time before the appointment of special commissioners provided for in this Act or at any time before the filing of their return and award of damages, all of the parties through whose lands the proposed drain is to pass shall execute a release for right of way, and all damages on account thereof, then all proceedings for the appointment of special commissioners and all actions taken by them after their appointment, shall be discontinued and void, and the county drain commissioner shall proceed as if no application for special commissioners had been made.

Award of damages shall be deducted from the assessment of benefits.

If damages exceed benefits an order for difference shall be drawn on the county treasurer.

Section 13. The county drain commissioner shall deduct the award of damages from the assessment of benefits, when made, on the tract which includes the right of way of said drain. In case the award of damages shall exceed the assessment of benefits, the county commissioners shall draw orders on the county treasurer, for the amounts awarded in the return of the special commissioners in excess of assessments for benefits, describing in each order the lands in payment whereof it is drawn, and before such drain shall be constructed such order shall be tendered by the county drain commissioner to the party entitled thereto; Provided, That if the owner of any lands upon which damages have been awarded in excess of apportionment of benefits be a non-resident of the county, or be unknown, or in case of a minor or otherwise incompetent person, such order shall be deposited with the county clerk, payable to the owner of such description of land upon which such damages were awarded. Such order shall be held by such clerk and be delivered by him to the owner of such lands when called for or otherwise legally demanded, and the same shall thereby be deemed to have been lawfully tendered to the owner of such lands. It shall be the duty of such county treasurer at any time upon presentation to him of any such drain order drawn for the payment

If owner is a non-resident, minor or incompetent person, such order shall be deposited with the County Clerk.

Clerk to hold order and deliver it upon legal demand made.

Duty of County Treasurer.

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of such right of way or damages to pay the same out of any moneys in his hands belonging to the general fund of such county and refund such amount out of the first moneys collected by him on account of such drain.

Drains along railroads not to injure road bed.

Section 15. Drains may be laid along the line of any railroad within its right of way: Provided, Such drain shall not be to the injury of the road bed. Whenever it is proposed to construct a drain along the line, and within the right of way of any railroad, and the company owning or operating such road shall refuse or neglect to permit such drain to be constructed or release the right of way therefor within the time prescribed in this act such release shall be obtained in the same manner as is provided in this act for obtaining private lands: Provided, That no drain shall be constructed along the line of any railroad without the consent of the company owning or operating such road, if it shall appear to the special commissioners that such drain can equally well be laid on private lands.

How right of way may be obtained from railroad.

Drains along, within the limits of, or across public highways.

Section 18. Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in whole or in part along a public highway, it shall be necessary for the county drain commissioner to obtain from the county commissioners a release of right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time prescribed in this act, such release shall be obtained in the same manner as is provided in this act for obtaining private lands.

Releases from County Commissioners.

Cost of bridges and culverts on public highways to be charged as part of cost of drain.

Section 19. When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as part of the highway. When a drain passes along a highway, there shall be constructed at least one bridge or passageway across such drain connecting the highway with each enclosed field and with each farm house entrance, which bridge or passageway shall be constructed and maintained out of the funds hereinafter provided for the construction and maintenance of such drain.

Bridges or passway across drain.

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Article III.

Construction of Drains.

When county drain commissioner shall make his final order establishing the drain.

Section 1. Upon the release of right of way and damages or upon the determination and return of the special commissioners, or order of the district court, as the case may be, the county drain commissioner shall make his final order of determination establishing the drain, a certified copy of which order or determination shall be filed with the county clerk within five days after such order is made. He shall include in such order a description of the several tracts or parcels of land to be assessed for benefits in the construction of such drain, which said tracts or parcels shall constitute the drainage district for that purpose, to be known and designated in such order by the same name as the drain. He shall thereupon, without delay, mark the depth of cutting on each grade stake along the whole length of such drain. He shall give not less than ten days notice of the time and place of letting contracts by serving personal notice on every person whose lands are effected by such assessment and who resides in the county, which notice shall be served in the same manner as provided in this act for the personal service of citations, and by causing a notice thereof to be published, not less than two insertions, in one or more newspapers published and of general circulation in the county, and by mailing a copy of such notice to non-resident owners, at their places of residence, if known. Such notice shall contain a description of the several tracts or parcels of lands constituting the drainage district, as above provided. Thirty days after the date fixed for letting such contract, or after the date to which said letting may have been adjourned, the county drain commissioner shall have prepared and on file in his office a statement containing a description of the several tracts or parcels of lands constituting such drainage district, and the assessments for benefits made against each of said tracts or parcels of lands, together with the assessments made by him against the county or any irrigation ditch, which assessments shall be subject to review on that day. Such review shall be held open from nine o'clock in the forenoon until five o'clock in the afternoon. At such review the county drain commis-

What to be included in order.

The drainage district.

Mark the depth of cutting on grades.

Notice of letting contracts and service thereof.

Publication of notice.

Contents of notice.

What statements must be on file in drain commissioner's office.

Review, when to be held.

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Hearing at review.

Change of assessment.

Land which may be omitted.

sioner shall hear the proofs and allegations of all parties in interest and shall carefully reconsider and review the descriptions of land comprised within the drainage district and the amounts assessed against each of said descriptions of land, and equalize the same as may seem just and equitable. At such review he may change any assessment made against any tract or parcel of land, or against the county, or against any irrigation ditch, or may omit from said drainage district any parcel or tract of land which in his judgment after such review is had, will not be benefitted by the construction of said drain, or is not liable for a portion of the costs of such construction under the provisions of this act.

Commissioner to determine when and how taxes shall be collected.

Installments

Section 2. At the time and place of letting contracts and before receiving any bids, the county drain commissioner shall have the right, and it shall be his duty to determine whether the whole of the per cent of taxes to be spread for benefits to lands in the construction of such drain shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within five years next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders.

Commissioner to receive bids and let contracts for construction of drain.

Security for completion of the job.

Shall reserve right to reject all bids.

Preference to be given bidders who are assessed.

Section 3. The county drain commissioner shall thereupon proceed to receive bids and let contracts for the construction of the drain, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the county drain commissioner. The county drain commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in the whole or in part, from time to time to such other time or place, to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who

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may be bidders for the contracts thereon, shall, if equal bidders with other parties, be preferred in awarding such contracts. And it shall be the duty of the said drain commissioner after completion of said drain, to examine the same. If the county drain commissioner is satisfied with the manner in which said work is done he shall certify in writing that the drain is completed in accordance with the original grade and specifications, which certificate shall be filed with the county clerk and become a part of the records of said drain. It shall not be lawful for the county commissioners to issue orders on the fund of any drain exceeding two-thirds of the amount earned on any contract, until after acceptance of said work by the county drain commissioner, and the said certificate of the drain commissioner is filed. In case of any open drain the dirt excavated therefrom shall be placed as near as may be equal on each side and not less than three feet from the edges of said drain and shall not be left in piles more than four feet high except where the drain runs along a highway: Provided, that the owner of said lands may by written consent allow the dirt taken from said drain to be otherwise disposed of.

Examination of drain.

Certificate of completion of drain.

Certificate to be filed.

When and in what amounts County Commissioners may issue orders on fund.

Disposition of excavated dirt.

Proviso.

Section 4. The commissioner shall have the power to grant a reasonable extension of time for the completion of any contract. When any contract shall not be finished within the time specified, or to which it may be extended, the county drain commissioner shall declare such contract forfeited, and shall within a reasonable time hereafter, relet the unfinished portion thereof to the lowest responsible bidder, by public letting after not less than five days, notice thereof, by posting in five public places in the district, or by private letting when such can be done at a price per rod for the uncompleted portion thereof not exceeding the price per rod at which the job was first let; and he shall make contract and take security in each case as hereinbefore provided. The cost of completing such part over and above the contract price, if any, and the expense of notice and reletting shall be collected by the county drain commissioner of the parties first contracting or of their bondsman, which moneys, when so collected, shall be deposited with the county treasurer, and placed to the

Extension of time for completion of work.

Forfeiture of contract.

Reletting of unfinished portion.

Contract and security.

How extra cost of relet portion collected.

Deposit of money so collected.

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credit of such drain: Provided, That in no case shall the county drain commissioner declare any such contract forfeited without first giving five days' notice thereof to the contractor, if he can be found, and if not found then by a written notice left at his last place of residence, with some person of suitable age and discretion, who shall be informed of its contents, if such contractor have a known residence within the county.

Notice of forfeiture first given.

Article IV.

Assessment and Review.

Drain commissioner shall apportion cost of construction, when.

Section 1. After the contract for the construction of a drain has been let and before the day of review, the county drain commissioner shall apportion the per cent of the cost of construction of such drain which any county traversed or benefitted thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare or as the means of improving any highway, and he shall also apportion the per cent of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, which per cent shall be assessed against the lands benefitted. In making such assessments the drain commissioner shall apportion the same according to actual benefits to be derived by the lands affected by the construction of such drain. All lands in whole or in part swamped or alkalied, or containing wet or marshy ground, and all land for which such drain will furnish an outlet for seepage, waste or surface water, and all land through or upon which such seepage or waste water will be prevented from running or flowing by the construction of such drain, and all other land which will sustain any direct benefit of any kind or character by reason of the construction of such drain, other than such as will be sustained by all other lands in the same vicinity, shall be liable to assessment in proportion to benefits to be derived. The owner or owners of any irrigation ditch or canal from which water seeps or drains to, upon or through lands lying within such drainage district shall be assessed proportionnately for the cost of such drain, and no flat rate assessments are allowable unless upon lands equally benefitted by the construction of said drain. Such assessments for benefits shall be subject to review and correction, and may

Shall apportion the per cent of benefits.

How apportionment shall be made.

Class of lands to be included in assessment.

Owners of ditches and canals.

No flat rate assessment allowed.

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be appealed from in the manner hereinafter provided.

Owner of any land or ditch assessed may appeal to the District Court.

Section 2. The owner of any land or ditch assessed for the construction of any drain, who may conceive himself aggrieved by the assessment made by the county drain commissioner, may, within ten days after the day of review provided for in the preceding section, appeal therefrom and for such purpose make an application to the district court of the proper county for the appointment of a board of review as hereinafter provided, by serving upon the drain commissioner and by filing with said district court a notice to that effect, and by filing also a bond with such court in the sum of two hundred dollars with one or more sureties to be approved by the clerk of said district court conditioned upon the payment of all costs in case the assessment made by the county drain commissioner shall be sustained. Any county or counties assessed a per cent for benefits for the construction of any drain that may conceive itself or themselves aggrieved by the assessment made by the county drain commissioner, may, within ten days after the date of review provided for in the preceding section, appeal therefrom as herein provided. Only one application for a board of review shall be entertained by such district court for any one drain.

How appeals are are to be taken.

Counties may appeal.

Hearing by the board of review.

Section 4. The board of review shall proceed at the time and place specified in the notice to hear the proofs and allegations of all the parties in respect to the matter of appeal and shall thereupon proceed to view the lands benefitted by such drain and review all the assessments made by the county drain commissioner on such drain, and if in its judgment there be manifest error or inequality in such assessments, it shall order and make such changes therein as it may deem just and equitable. Should the board of review find upon personal examination that any lands have been included in the drainage district which will not be benefitted by the construction of said drain as provided in section one of this article then said board of review shall omit such lands from such drainage district and strike out any assessment against such lands. Should the board of review find upon personal examination that there are lands liable to be assessed for the construction of said drain that are not included in the assessing dis-

When board of review can make changes in assessments.

When board of review can omit lands from drainage district.

When it may add lands to the district.

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trict made by the drain commissioner, it shall add such lands to the district of said drain and shall adjourn such review to such other time or place to be by it at the time of such adjournment, publicly announced, as shall to it seem proper, but not in all more than Twenty days from and after the time of review first advertised and shall serve a notice on all such owners of lands living in the district; such notice shall give the time and place of said review, also the description of lands added to said district and shall be served at least ten days before the adjourned day of review. Should such owners of land liable to an assessment be non-residents of the county there shall be a personal notice served on said owners as required above, or a notice shall be published in some newspaper published in said county in at least two issues thereof giving the description or descriptions of lands added to said assessment district; also giving the time and place where said board of review shall meet. The action and decision of said board shall be final, except in case of an appeal therefrom. The action and decision shall be reduced to writing and signed by a majority of the board making the same, and shall be delivered to the county drain commissioner together with all other papers relating thereto.

Adjournments.

Notice of adjournments and contents thereof.

Notice to non-residents.

Decision of the board of review shall be final except in case of appeal therefrom.

Section 6. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof, whenever practicable, and when the tract of which is to be benefitted or affected by such drain is less than such legal subdivision it may be described by designation of the lot or other boundaries, or in some way by which it may be known.

Descriptions of lands.

Section 9. Should any or all the persons so appointed as a board of review neglect or refuse to serve or be unable to act, the county drain commissioner shall adjourn the hearing for a sufficient length of time not exceeding in all thirty days, to enable him to apply to the district court for the appointment of other persons to act on such board of review and shall make public announcement of the time and place of such adjournment. The review shall thereupon be deemed a continuous proceeding and no further notice shall be required. The district court shall, upon the showing being

Proceedings in case all the persons appointed as a board of review refuse to act.

Court to appoint other persons.

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made, either that any or all the persons appointed as aforesaid have neglected, refused or were unable to act as the case may be and of the adjourned day of meeting, at once, by order appoint such other person or persons of like qualifications as before to fill such vacancy. And the county drain commissioner shall notify the person or persons so appointed to fill such vacancy of his appointment and of the adjourned day of meeting. The person so appointed shall have the same power and perform the same duties as are herein provided for the board of review in the first instance. The persons acting as such board of review shall receive the sum of Three ($3.00) Dollars per day for each day actually and necessarily spent in the discharge of their duties as members of such board of review.

Notice to persons appointed.

Article V.

Levy and Collection of Drain Taxes.

How drain commissioner shall ascertain the entire cost of construction of the drain ditch.

Section 1. Within thirty days after the day of review and in case of an appeal, then forthwith after such appeal shall have been decided, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expenses of locating, establishing and constructing the same, including the commissioner's fees, cost of survey, fees and expenses of special commissioners, and the amount of contracts for construction; also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum and add thereto ten per centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain.

Drain commissioner shall make an assessment roll for such ditch.

Contents of assessment roll.

Section 2. The county drain commissioner shall thereupon make an assessment roll for such drain, which roll shall be designated "(giving name) drain assessment roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land assessed, as provided herein and place opposite each description the amount of the assessment heretofore determined upon by him or by the board or review or court, as the case may be. He shall also enter thereon the amount of taxes assessed against the county and the

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Shall also enter the amount of taxes assessed against the county and owners of irrigating ditches.

owners of irrigation ditches, and in case such amount be payable in installments as provided in this act, he shall also enter thereon a memorandum of the installments thereof and of the year or years when such installments shall be spread;

Installments.

and shall add a certificate in writing of his determination made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the first day of August in each year, in the office of the clerk of the county in which such lands may be located.

Certificate.

Duties of County Clerk.

Section 3. The County clerk shall, on or before the fifth day of August of each year, make and deliver to the county commissioners of his county a certified statement of the several amounts of drain taxes to be assessed upon such county for the ensuing year, and shall specify therein the several amounts to be raised for each particular drain.

Duties of County Clerk.

Section 4. The county clerk shall spread upon the assessment roll of the county all drain taxes levied and assessed as provided for in this act.

Article VI.

Drains Traversing more than One County.

Records of such drains to be made and entered in drain book records of each county.

Section 6. A full record of such drains shall be made and entered by the several drain commissioners in the drain record books of their respective counties, and a certified copy of all the papers relative to the construction of such drain shall be delivered to the other county drain commissioners by the drain commissioner having the original application which certified copies shall be filed in the office of the county clerk of their respective counties. The parts of each of such drains situated and lying in one county shall thereafter be under the care and supervision of the county drain commissioner of such county, subject, however, to the provisions of section VIII of this article.

Certified papers to be delivered to the other county drain commissioners and filed in the office of the County Clerk of the respective counties.

ARTICLE VIII.

Miscellaneous.

Duties of special county drain commissioners.

Section 18. Such special county drain commissioner shall make his assessment for benefits, and rolls upon such drain, and deliver the same to the county drain commissioner. Such

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special county drain commissioners shall likewise certify to the county commissioners orders to be drawn upon such drain fund, and the county commissioners shall draw the orders so certified; Provided, The county commissioners shall not be obliged to draw such orders if they shall ascertain that the work for which they are to be given is not done as certified.

Proviso.

Section 22 added.

Section 2. That there is hereby added to Article II of Chapter 106, of the Session Laws of 1905, a section to be known as Section No. 22, and which reads as follows:

Owners dissatisfied with award of special commissioners may appeal to District Court.

How appeals shall be taken, tried and determined.

Certified copy of judgment of court.

Section 22. Any owner of lands taken for right of way for a drain who is dissatisfied with the award made by special commissioners under this article, may appeal from such award to the district court, and such appeal shall be taken, tried and determined as are appeals from awards of commissioners in actions for condemnation of land under Title VII, Part III of the code of civil procedure, in so far as the same may be applicable. A certified copy of the final determination of the court on such appeal shall be filed with the county drain commissioner. In case of such appeal being taken a certified copy of the final determination by the court shall be deemed sufficient conveyance to vest the fee of the lands necessary to be taken for such drain and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other use or purpose whatever.

How fee shall vest.

Section 10 added.

Section 3. That there is hereby added to Article IV of said act a section to be known as section number ten, as follows:

Appeals from the action of boards of review.

How appeals may be taken.

Jury trial.

Section 10. In case any person interested is dissatisfied with the action of the board of review, such person may appeal from the findings of said board of review to the district court of said county within thirty days after such findings are filed with the drain commissioner. Such appeal shall be taken in the same manner as appeals are taken from justice court to district court, and shall be tried and determined by the judge of said district court without the aid of a jury, unless all parties interested agree to try said case to the jury and the court so orders. Such appeal will be heard upon the records

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in connection with said drain, and no pleadings need be filed. A certified copy of the final determination of the court upon such appeal shall be filed with the drain commissioner.

Section 4. Sections five, eleven and twelve of Article V of said act are hereby repealed.

Approved March 12, 1909.

CHAPTER 145.

"An Act Authorizing and Empowering the State Board of Examiners to Issue Bonds Provided for by an Act Entitled, 'An Act to Authorize the State of Montana to Become Indebted in Excess of One Hundred Thousand ($100,000.00) Dollars, and to Provide for the Issuance of Bonds in the Name of the State for the Redemption of Bonds heretofore Executed and Issued by the State Board of Land Commissioners for the Use and Benefit of Various State Educational Institutions; and also to Make Whole the Permanent Funds of the Various State Educational Institutions,'—approved March 1st, 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Board of examiners authorized to issue redemption bonds.

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue bonds provided for by an Act entitled. "An At to authorize the State of Montana to become indebted in excess of One Hundred Thousand ($100,000.00) Dollars, and to provide for the issuance of Bonds in the name of the State for the Redemption of Bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the Permanent Funds of the various State Educational Institutions"—approved March 1st, 1907, to the amount of One Hundred and Fifty-eight Thousand ($158,000) Dollars in addition to the bonds heretofore issued by the State Board of Examiners under the provisions of said Act, amounting to Three Hundred and Eighty-four Thousand ($384,000.00) Dollars, making the total amount of bonds issued and to be issued under the provisions of said Act Five Hundred and

To make whole the permanent funds of various educational institutions.

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Forty-two Thousand ($542,000.00) Dollars. Total amount issued.

Section 2. Said Bonds shall be issued in denominations of One Thousand ($1,000.00) Dollars each, and shall bear date January 1st, 1910, and become due twenty years from the date of issuance, and be redeemable and payable at the option of the State in ten years from their date, and shall bear interest at the rate of four per cent (4%), per annum, payable semi-annually on the 1st days of January and July of each year, at the office of the State Treasurer of the State of Montana. Denominations of bonds. Rate of interest.

Section 3. Said bonds shall be conditioned as provided in Section 4 of said Act. Conditioned, how.

Section 4. It shall be the duty of the state Board of Examiners to give notice by advertising for not less than two insertions in one newspaper published in the City of Helena, Montana, and in one newspaper published in the City of New York, that it will on a date to be stated in such notices, sell the bonds of the State of Montana to the amount of One Hundred and Fifty-eight Thousand ($158,000.00) Dollars to the person or persons offering the best premium therefor; provided, that the State Board of Land Commissioners shall have the preference right of investing in such State Bonds, at par, any moneys belonging to the permanent school fund, permanent University fund, permanent Agricultural College fund, permanent Normal School fund, permanent School of Mines fund, permanent Reform School fund, or the permanent Deaf and Dumb School fund, to the extent of the full amount or any part or portion of such bond issue. Notice of sale of bonds. Amount of bonds to be sold. State Board of Land Commissioners to have preference right to invest in bonds.

Section 5. The moneys derived from the sale of such State Bonds shall be deposited to the credit of the maintenance income funds of the various State Educational Institutions as follows: How money derived from sale of bonds to be credited.

Normal School Maintenance Income Fund.....	$65,000.00
University Maintenance Income Fund.....	50,000.00
Deaf and Dumb Asylum Maintenance Income Fund	3,000.00
School of Mines Maintenance Income Fund.....	30,000.00
Agricultural College Maintenance Income Fund	10,000.00

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Act shall take effect, when.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

CHAPTER 146.

An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition—either by construction, purchase or otherwise—and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expense of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of sections 2309 to 2402 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907.

Revised Codes of 1907. Sections 2309 to 2402, both inclusive, repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Organization of District.

Who may propose the establishment and organization of irrigating districts.

Section 1. Who may organize District. A majority in number of the holders of title or evidence of title to lands susceptible of irrigation from the same general source, and by the same general system of works, such holders of title or evidence of title, also representing a majority in acreage of said lands, may propose the establishment and organization of an irrigation district under the provisions of this Act.

What sufficient evidence of title under this Act.

The county assessment roll or rolls for the year last preceding, or the certificate of the County Clerk and Recorder, or the certificate of the Register of the State Land Office, shall be sufficient evidence of title for the purpose of this Act.

Evidence of title in other instances.

Where lands have been purchased from the State and part or all of the purchase money has been paid but the patents or deeds from the State to such lands have not been issued, the receipt or receipts held by the purchasers, or the certificate of the Register of the State Land Office showing the payments on account of purchase, shall be evi-

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dence of title to such lands, under this Act. Provided, however, that lands already under irrigation or lands having water rights appurtenant thereto, or lands that can be irrigated from sources more feasable than the district system, shall not be included unless the owner or owners thereof shall file their consent in writing to the inclusion of such lands in the proposed district, as hereinafter provided.

Provided certain irrigated lands and lands susceptible of other irrigation may not be included without consent of owner.

Section 2. Petition for Organization. For the purpose of establishing and organizing an irrigation district hereunder, a petition signed by the required number of holders of title or evidence of title to lands within such proposed district mentioned in Section 1 of this Act, shall be filed with the Clerk of the District Court of the County in which the lands of the proposed district, or the greater portion thereof, are situated. Provided if there are three or more counties embraced in the proposed district, and no one county embraces the greater portion of said lands, then and in that event said petition shall be filed in the county which embraces a greater portion of said lands than any one of the other counties embraced in said proposed district. Such petition shall set forth:

Petition for organization to be filed in district court.

By whom signed.

If district is to be in more than three counties, petition to be filed in the county embracing greater acreage.

What petition shall set forth.

(1) The Name suggested for the proposed district.

Name of district.

(2.) A general description of the lands to be included in the proposed district.

Description of land.

(3) The names of the holders of title, or evidence of title to the lands in the proposed district, ascertained in the manner mentioned in Section 1 of this Act; and if any such holder is a non-resident of the county or counties in which the proposed district lies, the post office address of such non-resident owner, if known.

Names of owners.

Postoffice address of non-resident owners.

(4) Generally the source from which the lands in the proposed district are to be irrigated, the character of the works, water rights, canals, and other property proposed to be acquired or constructed for irrigation purposes in the proposed district.

General source of water supply and character of canal and property to be acquired.

(5.) A prayer that the lands embraced within the proposed district be organized as an irrigation district according to the provisions of this Act.

Prayer.

The petition shall be accompanied with (1). a map or

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What shall accompany petition.

plat of the proposed district, and (2) a good and sufficient bond or undertaking to be approved by the District Court or Judge thereof of the county in which the petition is required to be filed under the provisions of this Act, to pay all costs in and about the proceedings preliminary to the organization of the district in the event that said organization shall not be effected.

Errors and omissions in description of lands, names of owners or evidence of title.

Mere error or omission in the description of any lands or in the names of any of the holders of title or evidence of title to lands, shall not operate to render invalid any proceedings hereunder or to deprive the District Court of jurisdiction of the subject matter. Provided such misdescribed lands or misnamed persons shall not be included in said district.

Proviso.

Order fixing time and place of hearing petition.

Section 3. Order and Notice of Hearing on Petition. On such petition being filed, the District Court or Judge thereof shall make an order fixing the time and place of hearing on the petition and directing that notice thereof be given. Thereupon the Clerk of said Court shall cause to be published at least once a week for two successive calendar weeks in some newspaper published in the county where the said petition is filed, a copy of such petition, together with a notice, stating the time and place, by the said District Court fixed, when and where the hearing on said petition will be had; and if any portion of the lands within the proposed district lies within any other county or counties, then said petition and notice shall be published as above provided in a newspaper published in each such other county. If there be no newspaper published in such county said petition and notice may be published in a newspaper published in an adjoining county.

Publication of notice and copy of petition.

Where to be published in other counties.

Publication to be thirty days before hearing.

The first publication of said petition and notice shall be not less than thirty days prior to the time mentioned in said notice for said hearing.

Notice to non-residents.

Non-Residents. If any holder of title or evidence of title to lands within the proposed district is a non-resident of the county or counties in which the proposed district lies, the clerk of said court shall, within three days after the first publication aforesaid, mail a copy of said petition and notice to each such non-resident whose post office address is

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stated in said petition.

Proof of notice.

Proof of Notice. The certificate of the Clerk of the District Court, under the seal of the court, as to the facts of the publishing and mailing of said petition and notice, affixed to a copy of said notice, shall be sufficient evidence of such facts.

Time of hearing of petition. Adjournments.

Amendments of petition and notice thereof.

Section 4. Hearing on Petition and Appointment of Commissioners. At the time specified in the notice mentioned in the preceding section, the District Court in which the petition aforesaid is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding three weeks in all, and may continue the hearing for want of sufficient notice or other good cause. The Court, upon application of the petitioners, or any other person or persons interested, shall permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing all persons interested whose lands or rights may be damaged or benefited by the organization of the district or the irrigation works or improvements therein or to be acquired or constructed as hereinafter set forth, may appear and contest the necessity or utility of the proposed district, or any part thereof, and the contestants and petitioners, may offer any competent evidence in regard there to.

Who may appear and contest the necessity or utility of the district.

Many offer evidence.

Duty of court.

It shall be the duty of the Court to hear and determine whether the requirements of Sections one (1) two (2) and three (3) of this Act, have been complied with and for that purpose shall hear all competent and relevant testimony that may be offered.

What changes in the proposed district the court may make. Shall not exclude certain lands when

The Court may make such changes in the proposed district as may be deemed advisable, or as fact, right, and justice may require; but shall not exclude from such proposed district any land which is susceptible of irrigation from the same general source and by the same general system of works applicable to the other lands of such proposed district if the owner or owners of such lands shall file in such District Court a written request that such lands be included in such district; nor shall any lands which will not, in the judgement of the Court, be benefitted by irrigation by means of said system of works, nor shall lands already under irrigation,

What lands shall not be included without written consent of owners.

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nor lands having water rights appurtenant thereto, nor lands that can be irrigated from sources more feasable than the district system, be included within such proposed district, unless the owner of such lands shall consent in writing to the inclusion of such lands, in the proposed district, as hereinafter provided, and to this end the Court may subdivide lands included within the petition or proposed at the hearing to be included within such district into forty acre tracts or smaller subdivisions thereof. Lands of the district need not be contiguous, and any particular tract or tracts, irrespective of the location in the district, may be excluded.

Court may subdivide lands how.

Lands need not be contiguous.

If, on final hearing, it is found by the Court that the petition does not substantially comply with the aforesaid requirements of this Act, or that the facts therein stated are not sustained by the evidence, then the Court shall dismiss the petition at the cost of the petitioners, and shall make and enter an order to that effect; but if it is found that said petition substantially complies with said requirements and that the facts therein stated are sustained by the evidence, then the Court shall make and enter an order:

When petition shall be dismissed.

If court finds petition complies with this act and is sustained it shall make and enter an order.

Contents of order establishing district.

(1.) Setting forth said finding and allowing said petition.

(2.) Establishing the proposed district.

Description of lands.

(3.) Giving accurate descriptions of the lands included within the proposed district.

Divisions of district

(4.) Dividing the proposed district into three divisions, as nearly equal in size as practicable.

Appointing commissioners.

(5.) Appointing three competent persons, having the qualifications as provided by Section 5 of this Act, as commissioners, one commissioner to be appointed for each division of the district.

Such finding and order shall be conclusive upon all the owners of lands within the district that they have assented to and accepted the provisions of this Act; and shall be final unless appealed from to the Supreme Court within 60 days from the date of entry of such order. A copy of such order duly certified to by the Clerk of said Court, shall be filed for record within thirty days after such order is made and entered with the County Clerk and Recorder of the county wherein lands included within such district are situated; pro-

Order shall be conclusive upon whom.

Certified copy of order to be filed when.

To include lands only in county where order is filed.

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vided however, there shall be omitted from such copy lands not situated in the county in which such copy is filed.

District declared a public corporation.

Every irrigation district so established hereunder is hereby declared to be a public corporation for the promotion of the public welfare, and the lands included therein shall constitute all the taxable and assessable property of such district for the purposes of this Act.

Board of Commissioners.

Qualification of commissioners.

Section 5. Qualifications of Commissioners and Term of Office. No person shall be qualified to hold the position of Commissioner unless he be an owner of land within the district, and shall be a resident of the county in which the division of the district, or some portion thereof for which such commissioner so elected is situated.

How long commissioners shall hold office.

The Commissioners appointed as aforesaid shall hold their respective offices until the second Saturday in April following their appointment and until their respective successors are elected and qualified as and in the manner herein after provided.

How commissioners shall qualify.

Each of such Commissioners shall qualify in the same manner as Justices of the Peace and shall give a bond in the sum of two thousand dollars conditioned upon the faithful performance of his duties, to be made payable to the state for the benefit of the district; which bond shall be approved by the district court or judge thereof and filed in the office of the clerk of said court.

Shall give bond.

Approval and filing of bond.

The commissioners shall meet when and organize.

Section 6. Organization of Board of Commissioners. The Commissioners shall meet within ten days after their appointment and shall organize as a board by the election of one of their number as president; they shall also elect a secretary (who may or may not be a commissioner.)

President and Secretary.

Compensation of Secretary and other employees.

The compensation of the secretary and all other employees authorized under this act shall be fixed by the Board.

Shall designate location of their office in the county containing major portion of the lands.

The Board shall also at this meeting designate the place in the district where the office of the Board shall be established and maintained and its records kept, which place shall be in the county containing the major portion of the lands of the district; and such place shall not be changed except by resolution of the Board, of which notice shall be given by at least one publication in some newspaper published or of

Change of place of office and notice thereof.

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general circulation in the county wherein the office of the district is located, and by posting in at least three public places in each division of the district.

Meetings of the board to be public and records thereof to be kept.

Section 7. Meetings of the Board. All meetings of the Board of Commissioners shall be public and a complete record of all proceedings shall be kept by the secretary.

When regular meetings shall be held, and how special meetings may be called.

Regular meetings of the board shall be held at such times as the Board may by rule or by-law prescribe; and special meetings may be called on twenty-four hours' notice by the president or any two members of the Board, or in such other manner and upon such other notice as the Board may by rule or by-law prescribe.

Adjournments.

Quorum.

All meetings of the Board may be adjourned as the Board shall order or direct. A majority of the Commissioners shall constitute a quorum.

Compensation and traveling expenses of the commissioners.

Section 8. Compensation of Commissioners. The Commissioners when sitting as a board, or when engaged in the business of the district, shall each receive not to exceed three dollars per day and their actual and necessary expenses.

Shall not be interested in any contract to be awarded by the board.

No commissioner or any other officer named in this Act shall in any manner be interested directly or indirectly, in any contract, awarded or to be awarded by the Board, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor and his conviction thereof shall work a forfeiture of his office and he shall be punished by a fine not exceeding Five Hundred ($500) Dollars or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment.

Miscellaneous.

Punishment.

The board of commissioners shall constitute the corporate authority of the district.

Powers and duties.

Corporate seal.

May enter upon any lands of district to make surveys, and locate works and canals on any lands deemed suitable.

Section 9. The Board of Commissioners.—Their Status, Powers and Duties. The Board of Commissioners of every irrigation district established and organized under and by virtue of this Act shall constitute the corporate authority of said district. They shall have the power, and it shall be their duty to manage and conduct the business and affairs of the district; adopt a corporate seal therefor; make and execute all necessary contracts; employ and appoint such agents, officers and employees as may be required, and prescribe their duties. The Board and its agents and employees shall have the right to enter upon any land to make surveys,

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and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which in the judgement of the Board may be deemed best suited for such location. Said Board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase water and water rights, and to acquire by purchase, condemnation, or other legal means, lands for rights-of-way, lands for reservoirs for the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use, maintenance, repairs, and improvement of such system of works, and also to acquire by purchase canals and works already constructed, or in course of construction, and to contract with the owner or owners of such canals and works so purchased and in course of construction for the completion thereof. But no purchase of any water, or water rights, or canals, or reservoirs, or reservoir sites or irrigation works, or other property of any nature or kind for a price in excess of ten thousand dollars shall be final or binding on the district, nor shall the purchase price thereof be paid without the written consent or petition of at least a majority in number and acreage of the holders of title, or evidence of title to the lands within the district. Said Board may also construct and maintain the necessary dams, reservoirs and works for the collection and distribution of water for the district, and do any and every lawful act necessary to be done in order that sufficient water may be furnished to each land owner in the district for irrigation purposes. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of the district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof, and in all courts, suits or proceedings, the said Board may sue, appear and defend in person or by attorneys, and in the name

Appropriate water in the name of the district.

Acquire by purchase, condemnation or other legal means rights of way etc.

Purchase of property for a sum exceeding $10,000, not binding and money not to be paid without the written consent of a majority in number and acreage of holders of title.

Other powers of the board.

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Adopt rules and regulations governing the calling and holding of meetings.

of such irrigation district. The said Board may adopt rules and by-laws governing the calling and holding of meetings of the Board, the manner of transacting business thereat, and the publishing or posting of the orders, resolutions and proceedings of the Board. It shall be the duty of said Board

By-laws, rules and regulations for the apportionment and distribution of water.

to pass or adopt by-laws, rules and regulations for the apportionment and distribution of water to the lands of the district, and for the protection and preservation of the works and other property of the district, which shall be printed in convenient form for distribution in the District. Said Board

By-laws shall be printed for distribution.

shall have power generally to do and perform all such other acts as shall be necessary or appropriate to fully carry out the purposes of this Act. All orders and resolutions shall be

Orders and resolutions passed by a majority of the board and entered of record.

passed or adopted by a majority of the commissioners by a yea and nay vote, to be entered upon the records of the board.

Other duties.

For the purpose of purchasing or constructing necessary irrigation canals or works or acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this Act, the Board of Commissioners of any such Irrigation District must as soon after such District has been organized as practicable, formulate a general plan for such purchase construction and acquisition of such property and shall cause such surveys, examinations and plans to be made as shall demonstrate the practicability of such plan, the amount of land that can be irrigated thereunder and furnish the proper basis for an estimate of the cost of carrying out such plan and the value of any canal, works, property or system of irrigation proposed to be purchased.

By whom examinations surveys, maps, plans and estimates shall be made and certified by whom.

All such surveys, examinations, maps, plans and estimates shall be made by or under the direction and supervision of an irrigation engineer of well known standing and competency, and all such necessary surveys examinations, maps, plans and estimates must be certified to by him.

When completed the engineer shall submit to and file them with the board of commissioners.

When all such are completed he shall submit them with all proper field notes to and file them with the Board of Commissioners accompanied by his report and recommendation thereon.

What engineers report shall include.

This report shall include a discussion of said plans by him submitted to said Board. of the question of water supply, of the sufficiency of the works proposed to accomplish the de-

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sired results, of the practicability of the proposed system from an engineering standpoint, of the probability of being acquired or constructed within the estimate of the cost stated, and such general discussion and recommendations in regard to the engineering and financial features of the whole matter as in the judgment of such engineer shall be desirable for the information of the people of the District. Such report shall be accompanied by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said Board of Commissioners shall proceed to determine the amount of money necessary to be raised for the purchase or construction of said proposed property, canals or irrigation works and system, and within ten days after arriving at such determination shall cause the Secretary of said Board to notify all persons or corporations holding title, or evidence of title, to lands within said district (ascertained as provided in Section I of this Act) of the filing of said report and their determination thereon. Said notices shall be given through the United States mail by letter addressed to such persons or corporations at their last known post-office address of each person or corporation aforesaid. A certificate of the Secretary of the Board as to the fact of mailing said notice affixed to a copy of said notice and recorded in the Record Book of said Board of Commissioners, shall be sufficient and conclusive evidence of such fact.

When map shall accompany report.

The board shall then determine the amount of money necessary to be raised.

The Secretary shall notify title holders of the filing of report and the determination of the board thereon.

How notice shall be given.

Proof of service of notice.

Section 10. Change in Divisions and Election Precincts. The Board of Commissioners shall within six months after the organization of the district divide the district into one or more election precincts.

Election precincts of district.

Said Board when they deem it advisable for the best interests of the district and the convenience of the electors thereof, may, at any time, but no less than thirty days before any election to be held in the district, change the boundaries of the divisions and election precincts of the district; provided that such action of the board, to be effective, shall be approved by the District Court; and provided also that in making such changes the several divisions of the district shall be kept as nearly equal in area and population as practicable.

When the board may change boundaries, divisions and precincts of district.

District court must approve of change before valid.

Divisions to be as nearly equal as possible.

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Divisions into precincts and changes in boundaries to be made by resolution or order of the board, to be entered of record with order of court.

Such division into election precincts and such change of boundaries of the divisions or election precincts shall be made by resolution or order of the board to be recorded in the minutes of the board, together with the order of the district court, approving the same, and a certified copy of the same shall be filed in the office of the county clerk and recorder in each county in which any of the lands of the district are situated.

Elections.

When first election shall be called and held.

Section 11. First Election of Commissioners, and Regular Elections. Not less than twenty days prior to the expiration of the terms of office for which the first Commissioners were appointed under the provisions of Section 4 of this Act, an election shall be called and held in said district in the manner herein provided for the calling and holding of regular elections therein, at which three Commissioners, one for each division of the district,—shall be chosen by the electors of the entire district. The Commissioners so elected shall hold their respective offices until the second Saturday in April of the year succeeding their election and until their respective successors are elected and qualified;

Commissioners to be elected.

Shall hold office until when.

When regular elections shall be held.

The regular election for commissioners in each district shall be held annually on the first Saturday in April of each year, and on the second Saturday in April next following their election the Commissioners-elect shall meet and organize as a Board by electing a president, from their number and a secretary, who may or may not be a Commissioner and who shall each hold office during the pleasure of the board.

When new commissioners shall meet and organize.

Section 12. Vacancies. In case of a vacancy in the board of commissioners from any cause, such vacancy shall be filled for the remainder of the term by appointment by the Judge of the District Court of the county in which the division or major portion thereof is situated. The appointee shall be an owner of land situated in the same division of the district as his immediate predecessor on such Board, and shall hold office until his successor is elected and qualified.

The judge of the district shall fill vacancies in board by appointment.

Qualifications of appointee.

Section 13. Notice of Election and Appointment of Election Officers. Fifteen days before any election held under this act, the secretary of the board of commissioners shall

How notice of elections shall be give.

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post notices in three public places in each election precinct, of the time and places of holding the election, and shall also post a notice of the same in the office of said board. Prior to the time for posting notices the board by a resolution or order entered on their records, shall designate the house or place within each precinct where the election shall be held, and shall appoint for each precinct, from the electors thereof, three judges who shall constitute a board of election for such precinct. Said judges shall appoint one of their number to act as clerk. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board shall prescribe the forms and provide for the printing and distribution of the ballots for all elections held under this act.

Board shall designate places within each district where this election shall be held.

Appointment of judges of election.

Clerk of election board.

When the electors may appoint election board or members thereof.

The board shall prescribe the form and provide for printing and distribution of ballots.

Section 14. Oaths of Election Officers. The judges may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of election, any judge or clerk shall cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the poles, each member of the board must take and subscribe an oath faithfully to perform the duties imposed upon him by law. Any elector of the precinct may administer and certify any such oath.

Judges may administer oaths and appoint judges and clerks to fill vacancies occurring during the election.

Oath of judges.

Section 15. Hours of election. The polls shall be opened at eight o'clock A. M. and be kept open until five o'clock P. M. when the same shall be closed.

Hours during which polls shall be open.

Section 16. Conduct of election. Voting may commence as soon as the polls are opened and may continue during all the time the polls remain opened, and such election shall be conducted, except as herein otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of this State, except that no registration shall be required. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number

How elections shall be conducted.

No registration required.

Counting of votes and drawing of certificates.

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of votes cast for each candidate or for each proposition, and designating the office or proposition voted for which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk and judges. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by one of the judges, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the judge during the counting thereof, in the order in which they were entered upon the tally list by the clerk; and said ballots, together with the other of said certificates, with the poll list and tally to which it is attached, shall be sealed by the judges and clerk, and endorsed: "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of commissioners of said district, and shall be immediately delivered by the judges or some other safe and responsible carrier designated by said judges, to said secretary, and the ballots shall be kept by the board of commissioners in the same manner as ballots in other elections.

How certificate signed.

How poll list and tally papers are to be preserved.

Ballots, poll list and tally shall be sealed and endorsed and delivered to the Secretary of the board of commissioners.

Section 17. Canvass. No list, tally paper, or certificate returned from any election, shall be set aside or rejected merely for want of form, if it can be satisfactorily understood. The board of commissioners of the district shall meet on the first Monday after the election to canvass the returns. If, at the time of the meeting, the returns from each precinct in the district in which the polls were opened have been received, the board shall then and there proceed to canvass the returns thereof; but if all the returns have not been received, the canvass shall be postponed from day to day until all the returns have been received. The canvass must be made in public. The board shall declare elected the person receiving the highest number of votes so returned for each office, and also declare the result of the vote on any question submitted.

Meeting of board of commissioners and canvas of returns.

In case all returns have not been received.

Canvass to be public.

Section 18. Statement of Result of Election. The secretary of the board of commissioners shall, as soon as the result of any election held under the provisions of this act is declared, enter in the records of such board and file with the county clerk of the county in which the office of said

The Secretary shall enter upon the record of the board and file statement with the proper county clerk a statement of the results of the election.

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district is located, a statement of such results, which statement must show: First, a copy of the election notice and the proof of posting the same. Second, the names of the judges and clerks of said election. Third, the whole number of votes cast in the district and in each precinct of the district. Fourth, the names of the persons voted for. Fifth, the office to fill which each person was voted for. Sixth, the number of votes given in each precinct for each of such persons. Seventh, the number of votes given in the district for each such person. Eighth, the names of the persons declared elected. Ninth, the proposition or propositions submitted, the vote for and against each, and the result of the vote thereon. The secretary shall immediately make out and deliver to each person elected a certificate of election, signed by him and authenticated with the seal of the district.

Contents of statement.

Certificates of elections.

Section 19. Qualifications of Voters. At all elections held under the provisions of this act, except as herein otherwise expressly provided, the following persons holding title or evidence of title to lands within the district shall be entitled to vote:

Voters; qualifications of.

(1.) All persons having the qualifications of electors under the constitution and general and school laws of the state;

(2.) Guardians, executors, administrators and trustees residing in the state.

(3.) Domestic corporations, by their duly authorized agents.

In all elections held under this act, each elector shall be permitted to cast one vote for each forty acres of land or major fraction thereof in the district owned by such elector, but any elector owning twenty acres or less shall be entitled to vote.

Each elector allowed to cast one vote for each forty acres owned by him.

Voters owning twenty acres.

Section 20. Nominations. Candidates for the office of commissioner to be filled by election under the provisions of this act, may be nominated by petition filed with the secretary of the board of commissioners of the district at least ten days prior to said election and signed by not less than five electors of the district; such petition shall specify the respective divisions for which such nominees, respectively, are candidates; and the names of all candidates for each division of

Nominations by petitions.

What petition shall specify.

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the district shall be printed on the same ballot.

Name of person voted for shall be written on ballot.

If no nominations are made the electors of the district shall write on the ballots the names of the persons for whom they desire to vote for commissioners; provided nothing herein contained shall prevent an elector from voting for any qualified person, although the name does not appear upon the official ballots.

Special elections to submit questions to vote.

Section 21. Special Elections. The Board of Commissioners may at any time call a special election and submit to the qualified electors of the district any question which under the provisions of this act is required, or which in the judgment of the board is proper, to be submitted to popular vote. Such election shall be called noticed and conducted and the result thereof determined and declared in the manner provided in this act relative to general district elections; provided, however, that the notice thereof shall in addition to being posted also be published at least once, not less than ten days prior to the date of the election, in some newspaper published in the county in which the office of the board of commissioners of the district is located.

How called and conducted, and results determined and declared.

Notice of shall be posted and published.

Where all papers, documents and petitions are to be filed when district lies in more than one county.

Section 22. Where Documents to be Filed and Proceedings Had. Where the lands of a district lie within more than one county, all petitions, papers, documents or other instruments shall be filed, and proceedings had in the county containing the greater portion of said district.

Change in Boundaries of Districts.

Section XXIII.

Change not to Effect Organization or Rights.

Changes of boundaries of district shall not impair or effect what.

The boundaries of any irrigation district organized hereunder may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Contracts, liens and obligations.

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Section XXIV.

Extension of District.

When extensions of district can be made and what it may effect and embrace.

The boundaries of any irrigation district may be extended at any time to include lands susceptible of irrigation by the works of the district or through exchange or substitution of water as hereinafter provided, excluding and excepting therefrom, however, all lands already under irrigation, or lands having water rights appurtenant thereto, or lands that can be irrigated from sources more feasable than the district system, unless the owner of such lands shall consent in writing to have such lands included in said district; provided, however, that a petition be presented to the district court of the judicial district in which the irrigation district was organized, asking for such extension, upon terms to be fixed by the court, signed by the holders of title, or evidence of title (evidenced as in section 1 of this act provided) of the lands proposed to be included in the district, representing not less than two-thirds in acreage of said lands. When such petition is presented, the district court or judge thereof shall appoint a day for a public hearing, notice of which shall be given by the clerk of the court by publication at least once a week for at least two weeks in a newspaper published or of general circulation in the county in which the office of the district is situated, and if any of said lands sought to be included in the district lie in a county or counties other than that in which the office of the district is situated, such notice shall also be likewise published in some newspaper published or of general circulation in each such other county or counties; or if there be no such newspaper then such notice shall be posted in at least three public places in the territory sought to be included. At such public hearing, the district court shall hear those who may desire changes made in the proposed extension, and all those whose lands are included or sought to be included in the district, and all other persons whose rights may be affected by the proposed extension. Such public hearing may be adjourned from day to day, not exceeding twenty days in all, and the court shall make an order, either granting or denying said petition; and if said petition is granted, said order shall describe the lands

Provided that a petition therefor to the district court.

Hearing of petition by court,

Notice of time set for hearing.

Publication of notice where lands in other counties are to be embraced in extension.

Proceedings at hearing.

Adjournments.

Order of court when petition is granted.

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Effect of order.

included in said extension and the terms on which said lands shall be included, and a copy of said order shall be filed with the county clerk and recorder in the county wherein said lands are situated. The order of the district court shall be final and conclusive the same as the order originally creating the district, unless appealed from to the supreme court within ten days from the entry of the order; provided, however, that the extension of such boundaries shall not deprive the lands already in said district of an adequate supply of water for irrigation purposes.

Proviso.

Construction of Works.

Section XXV.

Contracts.

Contracts for construction of works.

The construction by the district of all irrigation works of every kind whatsoever, amounting to five thousand dollars or more, shall be done by contract, and before any such contract is let, the board of commissioners shall employ competent engineers to make surveys, plans, maps and estimates shall include everything necessary to show the entire cost in detail of everything necessary to compelte the work required to irrigate any of the lands in the district under the proposed system. Notice of any contract to be awarded for construction of such works, shall state where the plans and specifications may be seen and shall be published at least once a week for three successive calendar weeks in a newspaper published or of general circulation in the county where the office of the district is located. Sealed bids shall be called for in such published notice and bids shall be opened in public, and the contract shall be awarded only to the lowest responsible bidder, who shall be required to give bond for the faithful performance and completion of the contract. The board shall have the right to reject any and all bids in its discretion. The provisions of this section shall not apply to any contract for the completion of works in course of construction by private owners from whom said works may be acquired under the provisions of section 9 of this act.

Surveys, plans, maps and estimates.

Notice for bids; contents and publication thereof.

Bids and awarding of contract.

Bond of contractor.

To what this section shall not apply.

Section XXVI.

Rights of Way.

The board of commissioners shall have the power to con-

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struct the said irrigation works across any stream of water, water-course, street, avenue, high-way, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security to life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be so as not to destroy its usefulness; and every company whose railroad shall be intersected or crossed by said works, shall unite with said board in forming said intersection and crossing; and if such railroad company and said board, or the owners and controllers of said property, thing or franchise so to be crossed cannot agree upon the amount to be paid therefor, or the points or the manner of said crossing or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to taking of land for public use.

Crossings of streams, streets, highways, railroads ditches and flumes and other like property.

Duty of railroads concerning crossing of its property.

When right of eminent domain shall be involved.

But nothing herein contained shall require the payment to the state, or any subdivision thereof, of any sum for the right to cross any public highway with any such works. The right-of-way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now or hereafter may be the property of this state.

State and subdivisions thereof not entitled to damages for crossing highways.

Right-of-way over state lands dedicated.

Section 27. Non-Interference with Navigation or Water Rights. Navigation shall never in anywise be impeded by the operation of this Act, nor shall any vested interest in or to any mining or agricultural water rights or ditches, or in or to any water rights, or reservoirs or dams now used beneficially by the owners or possessors thereof, in connection with any mining, or agricultural industry, or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly, in carrying on or in promoting the mining or agricultural industry, ever be affected by or taken under its provisions save and except that rights of way may be acquired over the same. Provided, further, that the right of eminent domain shall not be otherwise considered abridged by the provisions hereof.

Navigation not to be impaired and vested rights in water-rights and other named properties protected.

Section 28. Diversion of Waters. Nothing herein contained shall be deemed to authorize the diversion of the waters of

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Diversion of waters from streams shall not impair existing rights therein.

any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having an interest in such river, creek, stream, canal or ditch, or the waters therein.

Use, Distribution and Apportionment of Water.

When board of commissioners are authorized to lease properties of the district.

Section 29. Leasing of Works or Water. The board of commissioners shall have the power, with the written consent of a majority in number and acreage of the owners of the lands in the district, to lease in whole or in part the system of canals and works or water belonging to the district, whenever such leasing may be deemed for the benefit of the district; provided, that when said board contemplates the leasing of the canals or works, or water of such district, they shall so declare by resolution or order, and give notice thereof by publishing the same in some newspaper published in the county in which the office of such irrigation district is situated, at least two calendar weeks prior to the making of any lease. Provided, however, that no such lease shall be made unless a majority in number and acreage of the holders of title or evidence to the lands in the district, shall file with the board a written consent to make such lease. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made, nor shall such lease operate so as to deprive any owner or owners of land in such district of the use of water from such works upon such lands; and further provided, that the board of commissioners shall require a good and sufficient bond to secure the faithful performance of the lease by the lessee.

Resolution and publication of notice of leasing.

The consent of majority in acreage written and filed necessary before leasing.

Lease must protect established rights.

Security to be required to insure faithful performance.

Legal title to vest in district and to be held in trust.

Section 30. Title to Property of District. The legal title to all property acquired by or for any irrigation district under the provisions of this act shall immediately and by operation of law vest in such district, to be by it held in trust for the uses and purposes of the district as set forth in this act. And the board of commissioners is hereby authorized and empowered to hold, use, maintain, acquire, manage, occupy and possess said property as herein provided.

Powers of the board regarding.

Public use as declared under this Act.

Section 31. Use of Waters, etc., a Public Use. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, together with

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the rights of way for canals and ditches, sites for reservoirs, and all property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulations and control of the state, in the manner prescribed by law.

Subject to state control.

Section 32. Board to Apportion Water. The board of commissioners shall apportion the water for irrigation among the lands in the district in a just and equitable manner and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same, but subject to reduction as hereinafter provided; provided, however, that any water owner of the district shall have the right to sell or assign for one season any of the water apportioned to him and not required for use upon the land to which such water belongs.

Apportionment of water among the lands.

Water to become appurtenant to the land but subject to reduction.

Provided owner of water may sell same for one season.

Section 33. Reduction of case of Shortage. In the event of a shortage of water, the amount of water delivered to each particular tract or piece of land shall be reduced proportionately.

In case of shortage proportional reductions of water to be made.

Section 34. Surplus water. All surplus water belonging to the district may be sold or disposed of by the board for the benefit of the district.

Sale of surplus water.

Section 35. Lands under Irrigation from same or other sources. Any land already under irrigation from any source may be included in any irrigation district either at the time of the organization of such district, or at any time thereafter, and such land shall be entitled to receive and shall be given the same amount of water necessarily used thereon at the time of such inclusion; and the canals, ditches, flumes, dams, or other works previously used to irrigate such land, may be used or supplanted either wholly or in part by the district works; provided, however, that the owner of such land, canals, ditches, flumes, dams or other works shall be entitled to compensation for any and all damage sustained by reason of the appropriation of the same, or by the construction of said district works; provided, however, that lands already under irrigation, or lands having water rights appurtenant thereto,

When irrigated lands may be included in the district.

Water such lands are entitled to receive.

Old ditches may be used or supplanted.

Providing for compensation to owner of such lands for damages.

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Consent of owner in writing necessary before irrigated lands are embraced.

or lands which can be irrigated from sources more feasable than the district system, shall not be included within such district, unless the owner of such lands shall consent in writing to have such lands included in said district.

Substitution or exchange of waters by contract.

Section 36. Substitution of Water. Wherever any canal constructed, owned or controlled by the district crosses any creek, stream, water channel or course, the water of which is used to irrigate land lying below such canal, the district shall have the right to contract with the owner or owners of the right to the use of the water or waters in any such stream, creek, water-channel or course, for an exchange of water, and to supply him with water from the district system, which contract shall be in writing, signed and acknowledged by all the parties thereto, before some officer authorized to take acknowledgments, which acknowledgment shall be certified by such officer in the manner that deeds are now required to be certified to entitle them to be recorded, and shall be filed and recorded in the office of the clerk and recorder of the county in which the creek, stream, water channel or course is situated, and thereafter such district shall have the right to supply such land below the canal, whether such land is included in the district or not, with water from the works of the district, and the owner or lessee of such land shall, in such case, be furnished with the same quantity of water as that to which such owner or lessee would be entitled out of such creek, stream, water channel or course, had the district works not been built. The district shall have the right to appropriate and take possession of the water so replaced and shall have the same right to such water as the owner or lessee of the land had, so long as such water shall be replaced by a like quantity of water from such works, but the appropriating and taking of such water by the district shall never deprive such owner or lessee of the right to re-take and use the same, should such owner or lessee at any time be prevented from having or using a like quantity of water from such works; and the district shall also have the right to make appropriation and take possession of such water at any point, and to sell, lease or use such water on any land either above or below the canal, and the

Contract to be in writing, executed and acknowledged, filed and recorded.

When lands not included in district may be supplied with water.

Quantity of water to which such owner shall be entitled.

When such owner may retake such water.

How the district may use such exchanged waters.

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appropriation of such water at any point or selling, leasing or using the same shall not prejudice the right of the district to the water and shall not increase the rights of the owner or owners of any other water right on such creek, stream, water channel or course.

What lands shall not be charged with any assessment for construction of works or for payment of principal or interest of district bonds.

Section 37. All Lands already Under Irrigation Not Chargeable Except By Consent And For Certain Purposes. Where Lands already under irrigation, the water and irrigation works irrigating the same belonging to the owner of said lands, are included in any district, such lands shall not be charged with any tax or assessment for construction or for payment of the interest or principal of any bonds issued to secure money for construction or purchase of the district irrigation works, except with the consent of the owner thereof, which consent shall be filed with the recorder of deeds of the county in which such lands are situated, but such lands shall be assessed for administrative and maintenance purposes the same as other lands in the district.

Such lands shall be charged with administration and maintenance costs.

Power of board of commissioners to incur debts.

Section 38. Limitations On Debt Incurring Power. The board of commissioners, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, except as provided in this Act; and any debt or liability incurred, in excess of such express provisions, shall be and remain absolutely void; except that for the purpose of organization or for any of the immediate purposes of this act, or in order to meet the expenses occasioned by any calamity or other unforeseen contingency, the board of commissioners may, in any one year, incur an indebtedness not exceeding in the aggregate the sum of five thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at the rate not to exceed six (6) per centum per annum.

When indebtedness void.

Exceptions.

Limitation of indebtedness incurred in one year.

Exemptions of property of district from taxation.

Section 39. Exemption of Irrigation District Property. The bonds issued under the provisions of this Act, rights-of-way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district, shall not be taxed for state, county or municipal purposes.

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BONDS.

Coupon bonds: purposes for which same may be issued.

Section 40. Petition for Bonds and Action Thereon. For the purpose of providing the necessary funds for constructing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and meeting the expenses incident thereto, and for the purpose of acquiring by purchase or otherwise, water rights, canals, and irrigation works constructed or partially constructed, and for the purpose of otherwise carrying out the provisions of this act, the board of commissioners of any district organized hereunder may issue the negotiable coupon bonds of the district as and in the manner hereinafter provided. No bonds shall be issued by or on behalf of any irrigation district organized hereunder, except upon petition signed by at least a majority in number and acreage of the holders of title or evidence of title to the lands included within said district. Such petition shall be addressed to the board of commissioners; shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signatures; and shall be filed with the secretary of the board of commissioners. Upon the filing of such petition the board of commissioners shall by appropriate order or resolution authorize and direct the issuance of the bonds of the district to the amount and for the purpose or purposes specified in the petition; fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; and whether payable annually or semi-annually; designate the place of payment of said bonds and interest coupons; prescribe the forms of said bonds and the interest coupons to be thereto attached; and provide for the levy of a special tax or assessment as in this Act provided on all the lands in the district for the irrigation and benefit of which said district was organized and said bonds are issued, sufficient in amount to pay the interest on and principal of said bonds when due.

Bonds shall not be issued except upon petition signed by a majority in number and acreage.

Petition for bonds; how addressed and the contents thereof.

Shall be filed with the Secretary of the board.

Resolution authorizing issuance of bonds.

Contents of resolution.

Special tax or assessment.

Confirmation by district court to be provided for.

Such order or resolution shall also provide for the confirmation proceedings in the district court hereinafter mentioned.

Section 41. Confirmation by District Court. Within ten

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days after the adoption of the order or resolution mentioned in Section 40 of this act, the board of commissioners shall file a petition in the district court of the judicial district wherein is located the office of said board, to determine the validity of the proceedings had relative to the issuance of said bonds and to the levy of said special tax or assessment.

Petition to the district court to determine validity of proceedings relative to bond issue.

Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested shall be had by notice given as hereinafter provided. Such petition shall set forth (1) generally, the establishment and organization of the district; (2) a certified copy of the petition mentioned in Section 40 of this act; (3) a certified copy of the order or resolution mentioned in Section 40 of this act; (4) a prayer for the confirmation of the proceedings of the board stated in the petition, and for the confirmation of the bond issue and the special tax or assessment levied to pay the bonds and interest thereon. Upon the filing of said petition in the district court, the court or judge thereof shall fix the time for the hearing of said petition, which shall be not less than fifteen days from the date of filing the petition in said court, and shall order the clerk of the court to give notice of the filing of said petition and the date of the hearing thereon by publication at least once a week for two calendar weeks in a newspaper published or of general circulation in the county where the office of the board of commissioners of the district is situated, and also by posting a written or printed copy of such notice in at least three public places in each division of the district, the first of such publications and such posting to be not less than fifteen days prior to the date fixed for said hearing.

Action in rem.

What petition shall set forth.

Fixing time of hearing petition.

Notice for filing and hearing.

Said notice shall state the substance of the petition and the time and place fixed for the hearing thereon, and that any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment or the proceedings had or to be had by the said board of commissioners with respect to said matters, may on or before the day fixed for the hearing of said petition, demur to or answer said petition, and may appear at said hearing and contest the granting of the prayer of said peti-

Contents of notice

How petition may be contested.

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tion and the entry of any order of confirmation pursuant thereto.

Who may contest the granting of prayer of petition.

Any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment, or the proceedings had or to be had by the board of commissioners of the district in connection with said matters and the entry of any order of confirmation pursuant thereto may enter his appearance in such proceedings and demur to or answer said petition and contest the granting of the prayer of said petition.

Code proceedings applicable.

Defendants.

Plaintiffs.

The provisions of the Code of Civil Procedure respecting the demurrer or answer to a verified complaint shall be applicable to a demurrer or answer to said petition. The persons so demurring to or answering said petition shall be the defendants in the proceeding, and the board of commissioners shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer shall be taken as true and every holder of title or evidence of title to lands included in the district failing to answer or demur to the petition shall be deemed to admit as true all the material statements thereof. The procedure in such action shall be determined by the Code of Civil Procedure.

What in petitions shall be taken as true and what deemed admitted.

What court shall determine.

Upon the hearing the district court shall find and determine whether the provisions and requirements of section 40 of this act have been complied with, and notice of the filing of the petition in the district court and of the time and place of the hearing thereon has been duly given for the time and in the manner herein prescribed, and shall have power and jurisdiction to examine and determine the regularity, legality and validity of the proceedings had preliminary and relative to the issuance of the bonds and the levy of the special tax or assessment in the petition mentioned, and the legality and validity of said bonds and special tax or assessment, and any and all actions taken by the board of commissioners in connection with said matters, and shall hear all objections filed to said proceedings, or any part thereof, or to the issuance of said bonds or the levy of the said special tax or assessment or any portion thereof. The court in inquiring into the regularity, legality and validity of said proceed-

Jurisdiction of court.

What errors, omissions and irregularities may be disregarded.

Powers of the court.

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ings, shall disregard any error, omission or other irregularity which does not affect the substantial rights of the parties to said proceedings. The court may ratify, approve and confirm said proceedings in whole or in part, and may ratify, approve, and confirm said bonds and special tax or assessment, and enter its judgment or decree accordingly. From any such judgment or decree an appeal may be taken to the supreme court at any time within ten days from the entry of such judgment or decree. Such appeal shall be taken, perfected, and heard in the manner prescribed by the Code of Civil Procedure covering appeals from district courts to the supreme court. If no such appeal be taken within the time aforesaid, or if taken and the judgment or decree of the district court be affirmed by the supreme court, such judgment or decree shall be forever conclusive upon all the world as to the validity of said bonds and said special tax or assessment and the same shall never be called into question in any court in the State. The costs of said proceedings shall be allowed or apportioned between the parties in the discretion of the court.

Appeal may be taken.

Manner of bearing appeals.

When judgment and decree of district court shall be conclusive.

Section 42. Details of Bonds.

All bonds issued under the provisions of this Act shall be payable in gold coin of the United States, of the standard weight and fineness existing at the time of the issue; and shall run for a period not longer than thirty years from their date, but may contain a clause providing for their prior redemption and payment at the option of the board of commissioners of the district on any interest payment date after five years from their date.

Bonds payable in gold.

Limit of period to run.

Said bonds shall bear interest from their date until paid at a rate not to exceed six per centum per annum, payable annually or semi-annually, the installments of interest to date of maturity of principal to be evidenced by appropriate coupons attached to each bond. Said bonds and interest coupons shall be payable at such place or places as the board of commissioners shall prescribe. Instead of straight maturity bonds, bonds may be issued to mature serially at such times and in such amounts as the board of commissioners shall determine, but no bonds so issued shall run for

Rate of interest not to extend six per cent.

When payable.

Compounds attached.

Place of payment of bonds and coupon

Bonds may be issued payable serially.

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a longer period than thirty years from date of issue.

Denomination and form of bonds.

How executed.

All bonds issued under this Act shall be of such denomination or denominations, and in such form as the board of commissioners shall prescribe, and shall be signed by the president and attested by the secretary of the board under the corporate seal of the district; and each of the interest coupons to be attached to said bonds shall be executed by the original or engraved or lithographed facsimile signatures of said president and secretary.

Fac simile signatures on coupons.

The board may provide for the registration of bonds in their discretion.

Secretary to keep a record of bonds sold.

The secretary of the board of commissioners shall keep a record of the bonds sold, their date, number, amount, maturity or maturities, to whom sold, rate of interest, and the place or places of payment thereof.

Lien of bonds.

Section 43. Lien of Bonds. All bonds issued hereunder shall be a lien upon all the lands originally or at any time included in the district for the irrigation and benefit of which said irrigation district was organized and said bonds are issued; except upon such lands as may at any time be included in such district, on account of the exchange or substitution of water under the provisions of Section 36 of this Act if any there be; and all such lands shall be subject to a special tax or assessment for the payment of the interest on and principal of said bonds; and said special tax or assessment shall constitute a first and prior lien on the lands against which levied to the same extent and with like force and effect as taxes levied for state and county purposes.

Lands excluded from lien of bonds.

Taxes and assessments for payment of principal and interest first lien on lands.

Bonds, how sold.

Section 44. Sale of Bonds. Bonds issued hereunder shall be issued, negotiated, and sold by or under the direction of the board of commissioners, but shall never be sold for less than ninety per cent (90%) of their par value and accrued interest thereon to date of delivery.

Minimum price.

Bonds issued in payment of purchase of certain properties.

Any bonds issued hereunder may in the discretion of the board of commissioners be issued direct in payment and satisfaction of the contract or purchase price of any irrigation works, canals, water, water rights or other property constructed or acquired by or for the district.

Section 45. Disposition of Proceeds of Bonds. In the

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event that bonds are sold for cash, they shall be delivered to the county treasurer of the county wherein the office of the district is located, who shall deliver them to the purchaser upon receipt of the purchase price therefor and after making a complete record of the same. The said county treasurer shall receive the proceeds of the sale of said bonds from the purchaser, and place the same to the credit of said district; and the same shall be paid out by the county treasurer only upon the written order of the board of commissioners, signed by the president and secretary under the seal of the district. Said proceeds shall be expended for the purpose or purposes for which said bonds were issued and for no other.

County treasurer to record bonds sold and deliver this same to purchaser.

Treasurer to receive proceeds of sale and credit same to credit of district.

How money is to be paid out by treasurer.

Section 46. Tax or Assessment To Pay Bonds and Interest. All bonds and the interest thereon issued hereunder shall be paid by revenue derived from a special tax or assessment levied as hereinafter provided, upon all the lands included in the district, except upon such lands as have been included in such district, on account of the exchange or substitution of water under the provisions of Section 36 of this Act if any there be; and all the lands in the district at the time said bonds are issued and all lands subsequently included which are so chargeable under the provisions of this Act shall be and remain liable to be taxed and assessed for the payment of said bonds and interest, as herein provided.

Taxes and assessments to pay bonds.

It shall be the duty of the board of commissioners of the district in the order or resolution authorizing and directing the issuance of bonds of the district, mentioned in Section 40 of this Act, to provide for the annual levy and collection of a special tax or assessment upon all the lands included in the district and subject to taxation and assessment as aforesaid sufficient in amount to meet the interest on said bonds promptly when and as the same accrues, and to discharge the principal thereof at their maturity, or respective maturities. Where straight maturity bonds are issued, it shall be the duty of the board of commissioners of the district to create and maintain a sinking fund sufficient to pay and discharge said bonds at maturity. If said bonds shall be issued for twenty years or less, there shall be annually levied for such sinking fund a special tax or assessment as

Duties of the board of commissioners regarding the levy and collection of special tax and assessment.

Sinking fund shall be maintained when.

Tax and assessment to be levied for the sinking fund.

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Sinking fund tax where bonds run longer than twenty years.

aforesaid sufficient to produce a net amount represented by the quotient found by dividing the aggregate amount of the principal of the bonds by the number of years the bonds have to run; but if said bonds are issued for more than twenty years, then it shall not be necessary to levy a special tax or assessment for sinking fund until the twentieth year prior to the maturity of the bonds, at which time and each year thereafter there shall be levied and collected a special tax or assessment sufficient to produce a net sum equal to one-twentieth part of the aggregate amount of the principal of the bonds. A certified copy of such resolution shall be filed with the clerk of the board of county commissioners of each county in which the lands of the irrigation district lie, and the special tax or assessment therein provided for shall be levied and collected as hereinafter prescribed, and when so collected shall by the county treasurer having custody of the funds of the district, be placed in a special fund and used solely for the payment of the interest on and principal of said bonds when due so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid. In the event that for any reason, any special tax or assessment hereinabove provided for cannot or shall not be levied and collected in time to meet any interest falling due on any bonds issued hereinunder, then the board of commissioners shall have the power and authority and it shall be their duty to provide for and pay such interest when due either out of any of the funds in hand in the treasury of the district not otherwise appropriated, or by warrants (which may bear interest at a rate not to exceed six per centum per annum), drawn against the next district tax or assessment levied or to be levied. Said warrants shall be in addition to those mentioned in Section 38 of this Act.

Certified copies of resolution to be filed where.

County treasurer shall place taxes collected in a special fund to be used solely for the payment of interest and principal of bonds.

Payment of interest when taxes are not collected in time to meet interest due.

Warrants drawn against next assessment and levy.

Board of commissioners shall have authority to invest sinking fund in interest bearing securities.

Sinking Fund Investments. The board of commissioners shall have power and authority to direct the investment of the funds in any bond sinking fund aforesaid, in interest-bearing securities, whenever in their judgment the same may be to the best interests of the district. But all such securities shall be converted into cash in time to meet the principal on the bonds payable from such sinking fund, promptly at

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their maturity.

Portion of the bonded indebtedness lands afterwards included shall bear to be determined by the district court.

Section 47. Added Lands to Pay Proportional Share of Bonded Indebtedness. Where a district is extended after the construction of works of irrigation, to include other irrigable lands, such included lands shall be chargeable with such proportion of the bonded indebtedness incurred or authorized to be incurred by the district, as the district court shall order as provided in section 24 of this Act; and the board of commissioners of the district shall provide for the levy of a special tax or assessment against such included lands on account of said bonds and the interest thereon, and said special tax or assessment shall be levied and collected as and in the manner as the special tax or assessment against the lands of the original district on account of said bonds and the interest thereon is provided for, levied and collected.

Levy of a special tax against such lands.

How levied and collected.

All lands of the district chargeable alike, except.

Section 48. All Lands Chargeable Alike. All lands in each irrigation district, except such lands as have been included within such district on account of the exchange or substitution of water, under the provisions of Section 36 of this Act, shall pay at the same rate for all purposes for which said lands are charged.

Taxes and Assessments.

When board of commissioners shall levy the annual taxes of the district.

Section 49. Annual Levy. On or before the second Monday in July of each year the board of commissioners of each irrigation district, except such lands as have been in- the total amount required to be raised in that year for the general administrative expenses of the district, including cost of maintenance and repairs, and interest on and principal of the outstanding bonded or other indebtedness of the district; and shall levy against each forty-acre tract or fracitonal forty-acre tract of land in the district (or, where lands shall be owned and held in twenty-acre tracts or less, then against each such tract), that portion of the said amount so to be raised which the area of such tract bears to the total area of all the lands in the district.

Divisions of taxes when portions of a tract has been sold.

In the event that the ownership of any forty-acre tract or fractional forty-acre tract of land in the district shall be divided after a special tax or assessment against the same has been levied, each or either of the owners of such divisions

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shall be entitled to have such special tax or assessment equitably apportioned to and against such divisions so that each such owner shall be enabled to pay such special tax or assessment against his portion of such tract and have the same discharged from the lien thereof.

Conclusion of the board in determining the proper and just tax or assessment to be levied to be conclusive.

Section 50. Conclusiveness of Tax Or Assessment. In determining the proper and just tax or assessment to be levied against any land for district purposes, the finding of the board of commissioners of the district, in the absence of fraud or mistake, shall be conclusive and final, except as herein otherwise provided.

Notice of amount of tax to be paid shall be mailed to each owner when.

Books to be open for public inspection.

Section 51. Notice of Tax Or Assessment. The board of commissioners of each district shall mail to each tax or assessment payer of the district whose address is known, not later than the first Monday in August, a notice of the amount to be paid by such tax or assessment payer for all district purposes, and the books and records of the district showing all taxes or assessments and the amount charged against each tract of land shall be open at all reasonable hours to public inspection.

Funds for the payment of each series of bonds.

Section 52. Funds For Payment Of Each Series of Bonds To Be Kept Distinct. When more than one series of bonds shall have been issued by a district, the funds for the payment of each series shall be kept separate and distinct.

The county treasurer shall be the custodian of all funds of the district.

Section 53. County Treasurer As Custodian Of District Funds. The county treasurer of the county wherein the office of an irrigation district is located shall be the custodian of all funds belonging to the district and he shall pay out such funds upon the order of the board of commissioners, except as to payments on bonds and interest, for which no order shall be necessary; such orders shall be signed by the president and secretary of the board and shall bear the official seal of the district. Where such orders are for the payment of money for construction work, the same shall be accompanied by and attached to the written estimate of the engineer in charge of such construction work.

No order for payment on bonds of interest necessary.

What to accompany order.

district taxes are to be collected by the county treasurer at the same time state and county taxes are collected.

Section 54. Collection Of Taxes Or Assessments. On or before the fourth Monday in September of each year the board of commissioners shall furnish the county treasurer in each county in which any of the lands of the district are situate, a correct list of all the district lands in such county,

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together with the amount of the total taxes or assessments against said lands for district purposes, and the treasurer of each county shall collect such taxes or assessments at the same time and in the same manner as county and state taxes.

Transfer of funds collected by different county treasurers.

Section 55. Transmission of Funds From Other Counties. Where the lands of any district lie in more than one county the district taxes or assessments collected in counties containing less than a majority of the lands shall be transmitted on or before the first day of January of each year by the county treasurer of such county to the county treasurer of the county wherein the office of the district is located.

Sales of lands for unpaid district taxes.

Redemption.

Section 56. Delinquent Sale. Delinquent sales of land for unpaid taxes or assessments shall be made in the same manner as for state and county taxes in the respective counties where such lands are situate, and the right of redemption shall in all cases be made the same as in cases where lands are sold for state or county taxes.

Liability of county treasurer.

Funds to be divided into the respective fund accounts.

Section 57. Liability of County Treasurer. The county treasurer to whom district funds or securities are intrusted shall be liable on his bond for the safe keeping of said funds and securities, and such funds shall be properly divided into the respective funds for which district taxes or assessments were levied; that is to say, bond principal and interest fund; sinking fund to redeem bonds; maintenance fund; construction fund; and general fund. The construction fund shall be available for the payment of the purchase price of all works water, rights, or other property purchased by or for the district and all expenses incident thereto; as well as for the payment of the cost of construction of works, including cost of engineering, superintendence and other expenses incident thereto. All warrants issued for preliminary and organization expenses and all administrative expenses shall be paid from the general fund. The county treasurer is authorized to receive in lieu of cash interest coupons maturing within the year in payment of any tax or assessment levied for payment of interest on bonds, and the county treasurer at any time upon the order of the board of commissioners of the district, shall turn over to said board any bonds or securities held by him and required to be delivered to said board, in

What construction fund available for.

Warrants issued for organization and administration purposes.

Interest coupons due during this year receivable for taxes.

Turning bonds or securities to board of commissioners.

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accordance with the provisions of this Act.

Cancellation of satisfied bonds and coupons.

All interest coupons so received or otherwise paid and all bonds of the district upon the payment thereof, shall be immediately cancelled and retained by the county treasurer as vouchers.

Transfers of lands by deed, mortgage, foreclosure or otherwise carries appurtenant water whether mentioned or not.

Section 58. Sale Or Transfer of Lands. Where any lands in any district are sold or transferred either by deed, Mortgage, foreclosure sale or otherwise, such sale or transfer shall include the water belonging to and appurtenant to the land, whether or not the same is expressly stated in the deed, instrument of transfer or decree, and such land shall be liable to special tax or assessment the same as if such sale or transfer had not been made.

Appeals Under This Act.

Consolidation of pending appeals.

Section 59. Consolidation Of Appeals. If more than one appeal shall be pending at the same time concerning similar contests in this act provided for, such appeals shall be consolidated and tried together.

Miscellaneous Provisions.

Immaterial errors, irregularities and omissions to be disregarded by the count.

Rules of pleading and practice.

Costs.

Section 60. Unsubstantial Errors To Be Disregarded By Court. Rules Of Procedure. Costs. The Court hearing any of the contests or proceedings herein provided for shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for. The costs of any such hearing or contest may be allowed and apportioned between the parties or taxed to the losing parties in the discretion of the court.

Willful violation of any expressed duty herein by any officer.

Proceedings to remove from office.

Section 61. Liability of Officers. For any Wilful Violation of any express duty hereunder on the part of any officer herein named, he shall be liable upon his official bond and be subject to removal from office by proceedings brought in the district court of the county wherein the office of the board of commissioners of the district is located, by any tax or assessment payer of the district.

Transfer of surplus money in the construction fund.

Section 62. Surplus in Construction Fund. In the event of any money remaining in the construction fund after the

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completion of any district project, the same may be transferred to an appropriate fund for the redemption of the outstanding bonds of the district.

Power of board in making transfers of funds.

Section 63. Transfer of Funds. The board of commissioners shall have power to transfer money from any one fund to any other fund, except that no money shall be drawn from the sinking fund or construction fund, except as specifically provided in this Act.

Written consent of owners herein required shall be acknowledged and be recorded in the office of the County Recorder.

Section 64. Whenever any written consent is required to be given by or obtained from the owner or owners of any lands by any of the provisions of any of the Sections of this Act, such written consent must be acknowledged before some officer authorized to take acknowledgments, and shall be filed and recorded in the office of the Clerk and Recorder of the county in which such lands are situated, and a certified copy thereof must be filed in the office of the Clerk of the Court in the County in which the proceedings for the organization of such district were instituted, but the provisions of this Section shall not apply to any petition provided for by this Act; and all such petitions may be signed in any number of original parts with the same effect as though all signatures had been affixed to one instrument.

Provision not to apply to petitions.

State examiner to examine affairs of district.

Section 65. Inspection of Books, by State Examiner. All books, accounts, records, contracts and securities of every kind pertaining or belonging to any district shall be subject to examination by the state examiner, and it is hereby made his duty to examine the same as provided by law for the examination of the affairs of county officers.

Object of this act explained.

Section 66. Interpretation of Act. The object of this Act being to secure the irrigation of lands of the State and thereby to promote the prosperity and welfare of the people, its provisions shall be liberally construed so as to effect the objects and purposes herein set forth.

Repeal of Sections 2309 to Sections 2402 both inclusive of the Revised Codes, 1907.

Section 67. Repeal of Prior Acts. Saving Clause. Except as hereinafter provided, the provisions of Sections 2309 to 2402, both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907, are hereby repealed. Provided, however, that where any irrigation district is now in process of organization under the provisions of said sections of the Re-

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Proviso concerning irrigation district in process of organization under repealed sections.

vised Codes, said organization may be completed under said provisions but after said organization is completed said district shall be governed by the provisions of this Act; and provided further, that where any irrigation district shall have already been organized under the provisions of said sections of the Revised Codes and shall have issued bonds or entered into any contract of purchase or construction, nothing herein contained shall be construed as affecting the rights of the holders of said bonds or of any person, persons, corporation, or association, party or parties to any such contract with said district, under or by virtue of any of the provisions of said sections of the Revised Codes. If a majority of the holders of title, or evidence of title, to lands included in the district heretofore organized, or being organized, under the provisions of said sections 2309 to 2402, both inclusive, of the said Revised Codes, said holders of title, or evidence of title, also representing a majority in acreage of irrigable lands of said district shall petition under the provisions of this Act for the organization of a new district, including not less than four-fifths of the irrigable lands embraced within such districts so organized, or being organized, and shall pray for an order disorganizing such district and vacating all proceedings therein, the Court shall have jurisdiction to proceed under this Act to organize such new district, and in making its final order creating such new district, shall also make an order vacating and disorganizing the old district. All money or property belonging to such old district shall be and become the money and property of such new district. Should any lands included in the old district not be included in the new district, the Commissioners of the latter shall pay to the owner or owners of such land their just proportion thereof on the basis of the last assessment made; and provided, further, that all acts heretofore done by any Board of County Commissioners of any County of this State in connection with the organization of any irrigation district under the provisions of the foregoing Sections of said Revised Codes shall be and are hereby ratified, confirmed and declared valid, and of full force and effect.

Repeal shall not affect bonds and contracts of companies organized thereunder.

How districts organized or being organized under repealed sections are to avail themselves of the provisions of this act.

Lands to be embraced.

Jurisdiction of court.

Money of the old district to become property of new.

Lands in old district omitted from the new.

Acts of boards of county commissioners ratified.

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This act shall be in force and effect from and after its passage and approval. When act shall take effect.

Approved March 18, 1909.

CHAPTER 147.

An Act providing for the Management and Control of the Lands now owned by or hereafter to be Acquired by The State of Montana, including the Sale and Rental thereof, and the Management, Protection, and Disposition of the Timber Growing thereon and the Coal, Oil, and minerals therein; Provided for the management and Control of the Funds realized from the sale and Rental of State Lands and the Products thereof; Naming and Providing for Certain Officers subordinate to the State Board of Land Commissioners and Prescribing their Duties and Compensation; Providing for the Acquisition of Water-rights for Use upon State Lands; and Defining and Providing for the punishment of Certain Offences for Violating the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Land Commissioners.

Section I. The Governor, Superintendent, of Public Instruction, Secretary of State, and Attorney General, being constituted a State Board of Land Commissioners by the constitution of this state, as such board shall have direction and control of all lands belonging to the state, to manage the same as the best interests of the state shall require, not inconsistent with the provisions of this Act and the constitution of this State. A majority of the board shall contitute a quorum for the transaction of business. Board of state land commissioners. Members of the board shall have direction and contract of all state lands. Quorum.

President and Meetings.

Section II. The Governor shall be president of the board, but in his absence from any meeting, the board may elect any of its members president protempore, who shall preside at such meetings. The board shall hold regular quarterly meetings in the State Land Office on the second Wednesday of March, June, September and December of each year, and may President of the board. President protempore.

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Quarterly meetings.
Other meetings.
Regulated by rules.

hold such other meetings as the board may direct; and may meet at any time on call of the president or of a majority of the board. The meetings of the board shall be regulated by such rules as the board may adopt.

Minutes of Board.

Records of meetings, and preservation of important documents and papers.

Section III. The state board of land commissioners shall cause a complete record of its proceedings to be kept in a suitable book, and shall preserve all important documents and papers pertaining to state lands.

Register and his Duties.

Register of state lands.
Not to be a member of the board.
Term of office, salary and expenses.
Duties of Register.
Records.
Leases.
Patents.
Bonds of lessees and purchasers.
Certificates.
Seal of board.
Moneys.
Other duties.
To be furnished with suitable offices, stationery and postage.
Annual reports of register.

Section IV. The Governor by and with the advice and consent of the Senate, shall appoint a register of state lands, who is not a member of the said board, whose term of office shall be four years, or until his successor is appointed and qualified and whose salary shall be twenty-five hundred ($2500) dollars per annum and actual necessary expenses while engaged in outside work connected with his office. It shall be the duty of the register to keep the records of the state board of land commissioners; to make and sign all leases of state lands issued by him, and to make out and countersign all patents issued by the said board to the purchasers of state lands, and keep a suitable record of the same; to file and preserve bonds of lessees and those given by the purchasers of state lands to secure deferred payments; to make and deliver to purchasers of state lands suitable certificates of purchase; to have the custody of the seal of the state board of land commissioners; to be the secretary of, and to keep the minutes of said board; to receive all moneys payable to the state on account of state lands leased or sold, and all moneys payable under the provisions of this Act, and to pay them over to the state treasurer on the first and fifteenth days of each month; and shall perform such other duties, concerning the land affairs of the state, as the said board may direct. The register shall be provided with a suitable office, office furniture, stationery and postage by the Secretary of State. On or before the first day of December in each year, he shall make a report of the business of his office, the transactions of the state board of land commissioners, and the land affairs of the state, showing by tablets

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the lands belonging to the several funds of the state, the quantity sold, the quantity leased and the receipts of his office from all sources; and said report shall contain any such other items or information concerning state lands as the state board of land commissioners or said register may deem worthy of publication. Before assuming the duties of his office, the said register shall give bond in the sum of one hundred thousand (100,000) dollars, conditioned for the faithful discharge of his duties, and said bond shall be approved by the said board of land commissioners, and filed with the Secretary of State; and the cost of said bonds shall be paid by the state out of the land grant income funds.

Reports to show what.

Bond of register.

Approved by whom.

Cost of bond.

Deputy Register.

Section V. The Governor, by and with the advice and consent of the Senate, shall appoint a deputy register at a salary of eighteen hundred (1800) dollars per annum and actual necessary expenses when engaged in outside work, whose duties shall be those of assistant register, and who shall perform all of the duties of register during the absence or disability of that officer. The deputy register shall give a good and sufficient bond, to be approved by the state board of land commissioners, conditioned for the faithful performance of the duties of his office, the amount of said bond to be fixed by the said board and filed with the Secretary of State. The deputy register shall perform such other duties as may be prescribed by the state board of land commissioners.

Deputy register, appointment.

Salary and expenses.

Duties of deputy.

Bond of deputy register.

Other duties of.

Fees.

Section VI. The register of state lands is hereby authorized and empowered and it is hereby made his duty to collect the fees herein fixed, for work done in his office, whether by himself or any member of his official force, to-wit

Fees of register.

Filing application to lease	$ .50
Filing application to purchase	.50
Accepting and approving bond	1.00
Issuing lease	1.00
Issuing permit to cut live timber	1.00
Issuing each patent of certificate of purchase	2.00
Approving and recording assignment of lease or certificate of sale	1.00

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Patent for town lot..... 2.00
Deed for right-of-way, easement, etc.,..... 3.00
Certified copy of certificate of purchase, lease or patent..... 2.00

Certified copy of any other instrument, or of the records of his office, shall be furnished at the rate of 20c per folio, and $1.00 for the certificate.

Fees payable in advance.

All the aforesaid fees shall be paid in advance to the register of state lands.

Return of certain fees.

In case any application to lease or to purchase is rejected the fee paid for filing such application shall be returned to the applicant.

State Land Agent.

State land agent.

Salary and expenses of.

Term of office.

Bond.

Section VII. The Governor, by and with the advice and consent of the Senate, shall appoint a state land agent, whose salary shall be twenty-five hundred (2500) dollars per annum, and actual necessary expenses while engaged in outside work connected with his office, and whose term of office shall be four years, or until his successor shall be appointed and qualified; and he shall give a bond to the state in the sum of ten thousand (10,000) dollars, to be approved by the board and filed with the Secretary of State.

Duties of State Land Agent.

Section VIII.

State land agent shall be under the control of the state land board.

Selection, examination, appraisement and re-appraisement of state lands.

He shall select and locate all state lands.

Selection of lieu lands.

The state land agent shall be under the direction and control of the state board of land commissioners, to do all acts required of him to be performed by the said board, and he shall do and perform all of the field work in the selection, examination, appraisement and re-appraisement of state lands and other outside work required to be done under the provisions of this act, and not herein otherwise provided for, under the direction of the register of state lands. He shall, under the direction of the state board of land commissioners, select and locate all lands, which are now, or may hereafter be granted to this state by the general government for any purpose whatever, and he shall select lands in lieu of those sold or otherwise disposed of by the United States in section 16 and 36, and said lieu lands shall be selected in legal subdivisions, of not less than a quarter section, and as con-

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tiguous as may be to the lands in lieu of which the same are taken; upon making such selection, the state land agent shall report to the state board of land commissioners fully in regard to the location and the character of the land selected; and he shall certify all such selections to the state board of land commissioners. And the register of state lands shall take the necessary steps to secure the approval of such selections by the proper officers of the general government.

Shall report to the board of land commissioners regarding the location and characted of lands selected.

To secure the approval of selections by officers of the general government.

State Forestry.

Section IX.

The Governor, by and with the advice and consent of the Senate, shall appoint a state forester, who shall be skilled in the science of forestry, whose salary shall be twenty-five hundred (2500) dollars per annum, and actual necessary expenses while engaged in outside work, connected with his office, and whose term of office shall be four years, or until his successor shall be appointed and qualified, and he shall give a bond to the state in the sum of ten thousand (10,000) dollars, to be approved by the board and filed with the Secretary of State; and he shall be a civil executive officer.

State forester, appointment and qualifications of.

Salary and expenses.

Term of office.

Bond and approval thereof.

Duties of State Forester.

Section X.

The State Forester shall, under the direction and control of the state board of land commissioners, do all acts required of him to be performed by the said board, and under the direction of said board shall have general charge of the timber lands of the state. He shall act as secretary of the forestry board. He shall, under the supervision of the state board of land commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens of the state, and direct and aid them in their duties; direct the protection and improvement of state parks and forests; take such action as is authorized by law to prevent and extinguish forest, brush and grass fires; enforce the laws pertaining to forest and brush covered lands, and prosecute for any violation of such laws. He shall deliver a course of at least six lectures on practical forestry to the students attending the state university, the state agricultural college, and the state normal school, during each

Duties of state forester.

To have general charge of state timber lands.

Other duties.

Lectures on forestry to be deliver by state forester.

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Annual report to the governor.

school year. He shall prepare annually a report to the governor on the progress and condition of the state forest work, and recommend therein plans for improving the state system of forest protection, management and replacement. He shall

Notices of danger of fires and to trespassers.

furnish notices, printed in large letters on cloth, calling attention to the danger from forest fires, and to the forest fire and trespass laws and their penalties. Such notices shall be

Posting of notice.

posted by the fire wardens in conspicuous places in the several counties of the state, and particularly in brush and forest covered country, at frequent intervals along streams and lakes frequented by tourists, hunters and fisherman, at established camping sites, and in every post office in the forested region.

Fire Wardens.

Section XI.

Appointment of volunteer fire wardens.

The state forester shall appoint in such number and localities as he deems wise, public spirited citizens to act as volunteer fire wardens. Every sheriff, under sheriff, deputy

Fire wardens ex-officio.

sheriff, game warden and deputy game warden, shall be ex-officio a fire warden, but shall not receive any additional compensation by reason of the duties hereby imposed, and they

No additional compensation to be paid to ex-officio warden.

shall be deemed paid fire wardens under the terms of this act. The supervisors and rangers of the federal forest reserves within this state, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed volunteer fire wardens, and shall have all the powers given to fire

When federal forest supervisors and rangers may be appointed volunteer fire wardens.

wardens by this act. The fire wardens shall promptly report all fires to the state board of forestry, take immediate and active steps to-ward their extinguishment; report any violation of forest laws; and assist in apprehending and convicting

Duties of fire wardens.

offenders.

Powers of Fire Wardens.

Section XII.

Powers of forester and fire wardens.

The state forester, and all fire wardens, shall have the power of peace officers to make arrests without warrants for violations, in their presence, of any state or federal forest

Not liable for trespass in civil actions when.

laws, and no fire warden shall be liable for civil action for trespass committed in the discharge of their duties. Any

To institute proceedings as violater of state forest laws.

fire warden who has information which shows, with reasonable certainty, that any person has violated any provision of

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such forest laws shall immediately take action against the offender, by making complaint before the proper magistrate, or by information to the proper county attorney, and shall obtain all possible evidence pertaining thereto. Failure on the part of any paid fire warden to comply with the duties prescribed in this act, shall be a misdemeanor, and punishable by a fine of not less than twenty dollars, nor more than one thousand dollars, or imprisonment in the county jail for not less than ten days nor more than twelve months, or by both such fine and imprisonment; and upon his conviction the district court wherein he is convicted shall forthwith declare his office vacant, and notify the proper appointing power thereof.

Failure of fire warden to perform duties a misdemeanor.

Penalty.

Forfeiture of office.

Additional powers of Fire Wardens.

Section XIII.

All fire wardens shall have authority to call upon any able bodied citizen between the ages of eighteen and fifty years, resident in the vicinity, for assistance in putting out fires; and any such person who refuses to obey such summons, except for good and sufficient reason, is guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than fifteen nor more than fifty dollars, or imprisonment in the county jail not less than one nor more than thirty days, or both such fine and imprisonment; provided, that no citizen shall be called upon to fight fire a total of more than five days in one year.

Fire warden may call upon able bodied citizens to help extinguish fires.

Refusal to assist a misdemeanor, when.

Penalty.

Proviso.

Duties of Fire Wardens.

Section XIV.

The state forester, assistant forester, and all fire wardens (except volunteer wardens), under such rules and regulations as the state board of land commissioners may provide, shall protect the timber of the state, and especially the timber owned by the state, from destruction by fire, and for such purpose, in emergencies, may employ men and incur other expenses, when necessary; provided, that no fire warden shall incur any expense in excess of fifty dollars, without express authority of the state board of land commissioners.

Duty of forester and fire wardens to protect timber.

When they may employ assistants.

Limit of expense.

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Expenses of State Forester.

Section XV.

How expenses to be paid.

That the actual expenses and expenditures of the state forester, assistant forester and fire wardens necessarily incurred under this act, shall be paid in the same manner as are other expenses incurred in managing the state lands.

Penalty for Destroying Notices.

Section XVI.

Destroying, defacing, removing or disfiguring sign or notice a misdemeanor.

Any person who shall destroy, deface, remove or disfigure any sign, post or warning notice posted under the provisions of this act shall be guilty of a misdemeanor, and punishable upon conviction, by a fine of not less than fifteen dollars and not more than two hundred and fifty dollars, or imprisonment in the county jail for a period of not less than ten days nor more than three months, or by both such fine and imprisonment.

Penalty.

Prosecutions.

Section XVII.

Duty of County Attorney to prosecute persons arrested for violating Act.

Whenever an arrest shall be made for any violation of the provisions of this act, or whenever any information of such violations shall be lodged with him, the county attorney of the county in which this act was committed must prosecute the offender or offenders if in his judgment the facts warrant the same. If any county attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars; and, upon his conviction, the district court wherein he is convicted shall forthwith declare his office vacant, and notify the proper appointing power thereof. Actions against the county attorney shall be brought by the attorney general in the name of the state. The penalties of this section shall also apply to any magistrate, with proper authority who refuses or neglects to cause the arrest and prosecution of any person or persons, when a complaint under oath of a violation of any of the provisions of this act has been lodged with him.

Failure of County Attorney to perform requirements of section a misdemeanor.

Penalty.

Upon conviction district court shall declare his office vacant.

Actions vs. County Attorney.

Penalties of section also apply to a magistrate, when.

Duties of State Engineer.

Section XVIII.

It shall be the duty of the state engineer, among other

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things, to examine all mineral and coal lands and, under the direction of the state board of land commissioners, to make settlement with the lessees of coal lands, and to make examination of any of the lands of the state, when directed by the state board of land commissioners, or by the register of state lands, for the purpose of ascertaining whether the same contain coal or other minerals.

State Engineer shall examine all mineral and coal lands.
To make settlements with lessees of coal lands.
To examine coal lands to ascertain whether they contain coal or other minerals.

Contest Board.

Section XIX.

The register of state lands, together with the state land agent, and the state engineer, shall constitute a contest board, of which the register of state lands shall be chairman. A majority of said board shall constitute a quorum for the transaction of business, and for rendering any decision. It shall be the duty of the register in any and all contest cases, when hearings are necessary and witnesses may be required to be examined, to set a date for hearing such cases. He shall duly advise the contestants, or their authorized attorneys, of the date set for such hearings, and any member of said board is hereby empowered to administer oaths, and said board may hear and receive evidence, after the manner and procedure established by the United States, in the District Land Offices, or in accordance with the rules that are or may be adopted by the board governing such cases. All evidence given and provided in such cases before the contest board, shall be fully transcribed and arranged at the cost of the parties to the contest, which costs shall be taxed by the contest board in such a manner as they may deem equitable, and such testimony shall form a part of the records of the office of the state board of land commissioners. Whenever said contest board shall deem it advisable they may initiate contests on behalf of the state and may order hearings in any matter to protect the interests of the state; and shall hear all controversies between different persons, or between the state and any person, respecting state lands, except as otherwise herein provided, and all such matters shall be heard and determined as other contest cases. As soon as convenient after such hearings, the said contest board shall present a full transcript of the proceedings, together with their de-

Contest board.

Chairman of.

Quorum.

The forest register shall set a date for hearing contest cases, and advise contestants or their attorneys of such sittings.

Who may administer oaths.

Board may hear evidence.

Costs for transcribing and arranging evidence.

How cost shall be taxed.

Such testimony shall be a part of the records of the board of land commissioners.

When contest may be instituted by contest board.

To hear controversies.

Shall determine controversies as other contest cases.

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Contest board shall present full transcripts of their proceedings together with their decision to the board of land commissioners.

cision upon the merits of the case, to the state board of land commissioners, but such decision shall not be final until approved by the state board of land commissioners. Any party to an action or proceeding before said contest board, who is dissatisfied with the decision of the contest board, within thirty days after notice of such decision, and under such rules as the state board of land commissioners may adopt, may appeal from said decision to the state board of land commissioners.

Decisions not to be final until when.

When parties to contests may appeal to board of land commissioners.

If any member of the contest board is disqualified the Governor may appoint some other State officer to act.

Provided, that if any member of the said contest board is disqualified in any case, by reason of being a witness or by being instrumental in the bringing of the case, the Governor, as president of the state board of land commissioners, shall designate some other state officer or officers to act on the contest board in place of such disqualified member or members.

Forestry Board.

Section XX.

Forestry board, who shall constitute.

Quorum.

The register of state lands, together with the state land agent and the state forester, shall constitute a forestry board, of which the register of state lands shall be chairman. A majority of said board shall constitute a quorum for the transaction of business.

Duties of Forestry Board.

Section XXI.

Duties of forestry board.

Forestry board shall make reports to the legislature.

It shall be the duty of the Forestry board to ascertain the methods of reforesting the denuded forest lands of the state; to prevent forestry waste, and the destruction of forests by fire, to manage the forests of the state on forestry principles, to encourage private owners in preserving and growing timber, and to conserve forest tracts around the head waters and on the water sheds of the water courses of the state; it shall make reports of its doings and recommendations to each session of the legislature, and, from time to time, with approval of the state board of land commissioners, publish, for popular distribution, such of its conclusions and recommendations as may be of public interest and concern.

May re-forest water sheds.

The state board of forestry may re forest the water sheds of the state and expend such sums of money therefor as may

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be appropriated for that purpose by the legislative assembly.

Clerks and Salaries, how paid.

Section XXII.

Appointment of clerk of state board of land commissioners.

Salary and bond.

Shall act as clerk of the State Land Agent.

Appointment of other necessary officers, and purchase of supplies.

The state board of land commissioners shall have power to appoint one clerk, whose salary shall be twelve hundred (1200) dollars per annum, who shall give a bond to the state in such sum as the board of land commissioners may designate, and who shall act as clerk of the register and of the state land agent, without extra compensation; and said board may employ all such other office force as may be necessary to carry out the provisions of this act, and to make purchase of all necessary books, plats and other supplies.

Salaries, how paid.

Section XXIII.

Salaries of officers, assistants and clerks of the land and forestry departments shall be paid out of what funds.

To be apportioned among the several funds.

All such salaries to be paid monthly.

The salary of the register of state lands and his deputy, of the state land agent, and his Assistants, the state forester, and his assistant, the clerk of the state board of land commissioners, together with the pay of all the assistants and clerks in the state land office, shall be paid out of the moneys in the several land grant income funds, and shall be apportioned among the several funds in proportion to the amount of land in each of the land grants from which the several funds are derived. All such salaries shall be paid monthly out of the land grant income funds, and apportioned in December of each year among the several funds by an order of the state board of land commissioners, directed to the state auditor and to the state treasurer.

Assistants to Land Agent.

Section XXIV.

State land board is authorized to appoint necessary assistants to the State Land Agent in selecting, appraising and re-appraising state lands.

Shall draw pay only when actually engaged in field work. Limit of compensation per month

The state board of land commissioners, is hereby authorized to appoint such competent persons at such time or times as may be deemed necessary, to assist the state land agent in selecting, appraising, and re-appraising the state lands, the timber thereon, and they shall draw pay only when actually engaged in field work, and shall hold office at the pleasure of the board, and their pay shall be not to exceed one hundred twenty-five (125) dollars per month, together with actual necessary expenses; provided, that said board may pay such

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Salaries to timber cruisers or estimaters.

salaries to timber cruisers or estimaters as may be necessary to secure the most efficient service.

Assistant Forester.

Section XXV.

Assistant forester.

Qualifications.

Pay of assistant forester.

Term of office.

Limit of monthly compensation.

Bond.

The state board of land commissioners is hereby authorized to appoint one assistant forester, with like qualification as the state forester, at such time or times as may be deemed necessary, to assist the state forester in any of the duties of his office; and he shall draw pay only when actually engaged in the performance of such work, and shall hold office at the pleasure of the board, and his pay shall be not to exceed one hundred and fifty (150) dollars per month, together with actual necessary expenses while engaged in outside work connected with the office. He shall give such bond for the faithful performance of his duties as the state board of land commissioners may require.

Classification of Lands.

Section XXVI.

Board of land commissioners must procure complete set of plats and tract books.

Ascertain what unappropriated government lands can be irrigated and select such lands when suitable.

Classification of lands upon the maps and plats.

The state board of land commissioners must provide as complete a set of plats and tract books as may be necessary, of the surveyed lands of the state; must ascertain what part of the unappropriated government lands in the state are capable of irrigation and the source and reliability of the water supply for the same, and must select such lands as may be suitable under the various grants made by the United States to the State, and must classify the lands upon the maps and plats so prepared according to the classification made by the Constitution of the State of Montana, to-wit:

1. Grazing Lands. 2. Timber Lands. 3. Agricultural Lands. 4. Lands lying within the limits of any town or city, or within three miles of said limits.

Sub-classification.

Subdivision 3 of such classification shall be sub-classified into (a) Agricultural lands not suspectible of irrigation, and (b) agricultural lands not susceptible of irrigation; and subdivision 4 of such classification shall be sub-classified into; (a) Lands within the limits of any incorporated city, and (b) Lands not within the limits of any incorporated city.

When lands must be re-classified.

The state board of land commissioners shall, as often as they deem it necessary, re-classify and re-appraise the lands

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of the state, so that at no time must any of the lands be sold under a different classification from that to which they actually belong.

Further classifications.

The maps, plats and tract books prepared by the board as herein provided, shall also contain a classification of the lands according to the respective funds, or state institutions, to which said lands belong, and the register must mark upon the maps and plats the name of the grant to which each tract belongs.

Records of Timber.

Section XXVII.

Records of the location, extent and character of all forest lands, kind and character of timber growing thereon and account of sales thereof.

The state board of land commissioners shall cause to be kept accurate records showing the location, extent and character of all forest lands, and the kind and character of timber growing thereon and also an account of all timber sold, the person or persons to whom sold, the amount of money received therefor, and the disposition of the moneys so received.

Coal Lands, what deemed, and Selection.

Section XXVIII.

What shall be recognized as coal lands by the authorities of this State.

Coal lands shall not be sold, but may be leased on royalty basis only.

Surface rights of coal lands may be sold or leased for agriculture or grazing purposes.

Other lands may be designated coal lands and withdrawn from sale, when.

All coal areas in the state after final examination are defined by the United States Geogical Survey, or other authority under the Government of the United States, shall be recognized by the authorities of this state as coal lands, until otherwise determined; and no such lands shall be sold, but such lands may be leased by the state to any person or persons, company or corporation but only on a royalty basis as herein provided; provided, however, that the surface rights of such land may be sold or may be leased for either agricultural or grazing purposes, but any other state lands may be designated as coal lands by the state board of land commissioners, and withdrawn from sale when, in the opinion of the board, such lands contain coal.

Platting lands in or adjacent to City.

Section XXIX.

State lands which may be laid off into lots and blocks, and platted as town additions.

Any state lands situated in, or adjacent to a city or town may be surveyed or laid off in lots or blocks, streets, alleys, avenues, highways, public squares and parks, in conformity with the laws of the state for the survey and platting of town-

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Maps and plats of such additions.

sites and additions thereto; and the state board of land commissioners must cause correct maps and plats of such lands to be made and recorded when so surveyed and platted, and not otherwise. The board may, in its discretion sell the same, or any part thereof, at public sale to the highest bidder. Each block or lot, as numbered and platted upon the maps, must be sold separately, but not until they have been appraised, and notice of the sale given in the same manner, and upon the same terms and conditions, as is herein provided for the sale of other state lands; provided, that such lots and blocks shall be sold only in alternate lots and blocks, and not more than one half of any one tract of such lands shall be sold prior to the year 1910. Any other state lands described under the fourth subdivision of the classification of state lands in Section 1. of Article XVII, of the Constitution of Montana, may be divided into lots or tracts of five acres each or less, and platted and sold in the manner prescribed for the sale of other state lands, provided, that only alternate lots and tracts shall be sold and not more than one half of any one tract of land sub-divided must be sold prior to the year 1910, but the remaining lots or tracts which have been sub-divided, platted and surveyed, may be leased under such terms and restrictions as may be prescribed by the board.

Sale of same at public auction to highest bidder.

Lots and blocks to be sold separately.

Notice of such sales.

Alternate lots and blocks are to be sold only, and not until when.

Lands which may be divided into five-acre tracts, or less, and platted and sold.

Alternate lots and tracts only may be sold.

Leasing of remaining lots and tracts.

Re-appraisement of Lots.

Section XXX.

All lots leased within the boundaries of any incorporated town or city, shall be re-appraised at least every five years, and the lessee of all such lands shall pay a rental based upon such re-appraisement, or forfeit the land so held; provided, said re-appraisement shall not be less than the appraisement at which the same is under lease, except by order of the state board of land commissioners; and, provided, that said board may in its discretion, offer said lots or lot for sale at any of the public sales held by said board, in the county where the said lots are located, upon the application of the lessee, but not otherwise, during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed.

When lots leased within boundaries of incorporated towns and cities shall be re-appraised.

Rentals to be on re-appraised basis.

When re-appraisment may be under former appraisement.

Board may offer said lots for sale when and where.

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Grant to United States.

Section XXXI.

When state lands may be sold to the United States.

Minimum price.

Rights-of-way granted to the United States for irrigation purposes, telegraph and telephone lines.

Sales of state lands to reserve such right-of-way.

Any land now or hereafter owned by the State of Montana and needed by the United States in its irrigation and reclamation work, shall, upon application made therefor to the state board of land commissioners, be conveyed to the United States, at the minimum price of ten (10) dollars per acre; and there is hereby granted to the United States over all the lands now owned, or hereafter acquired by the State of Montana, a right-of-way for ditches, canals, tunnels, telephone and telegraph lines, now constructed, or to be constructed by the United States Government, in furtherance of the reclamation of the arid lands, and that all conveyances of state lands shall contain a reservation of such right-of-way.

Right of Way for Highway.

Section XXXII.

Rights-of-way may be granted to counties and cities for public highways.

Must follow section lines if physically practicable.

Maps and plats to be first filed with the board, with petition of county or city officials.

When maps and plat to be the official plat of such highway. What the said plats shall show.

Copy of plat to be retained by the board.

Right-of-way shall be granted by the state board of land commissioners, over any of the lands of the state, to any county or city desiring to construct a public highway across the same; provided that the right-of-way must always follow sectional or sub-divisional lines, if physically practicable; provided, that a duly attested and sworn copy of the official plat, in duplicate, made by the official county or city surveyor or engineer, shall first be filed with the board, together with a petition from the county or city officials setting forth the necessity of the same; and the aforesaid plat, when approved by said board, shall be and form the official plat of said highway; and the said plat shall show the amount of land taken by the proposed highway, and shall show the remainder of the land in each portion of each legal subdivision crossed by said proposed highway. One copy of said plat shall be retained by the state land office, and the other returned to the county or city from which it was received.

Right-of-way for public use.

Section XXXIII.

Board of land commissioners may grant rights-of-way upon conditions.

The state board of land commissioners may grant the right-of-way across or upon any portion of state lands, upon such terms as may be agreed upon, for any ditch reservoir, railroad, private road, telegraph or telephone line, or for any

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Not authority to convey lands for any other purposes.

other public use, as defined in the Code of Civil Procedure; provided, that this section shall not be construed to grant authority to convey any such land, except for the purposes above set forth, and, provided, further, that whenever lands granted for any of the purposes mentioned in this Section,

Lands shall revert when use ceases and notice given.

shall cease to be used for such purposes, said lands shall revert to the state, upon notice to that effect to the person to whom such grant was made, served at his last known post office address.

Board may sell lands.

Section XXXIV.

Board may direct sales to actual settlers only, or to persons who shall improve same

The state board of land commissioners may direct the sale of any state lands, except as provided in this act, in such parcels, to actual settlers only, or to persons who shall improve the same, as they shall deem for the best interests of the state and the promotion of the settlement thereof; but no

But sales must be at public auction.

such sale shall be made, except at Public sale, and as herein provided; provided, that no lands belonging to the state,

Lands in districts to be irrigated by the United States shall be sold only in farm units adopted. Title to such lands not to pass until applicant has complied with laws of United States and rules concerning use of water from its works.

within the areas to be irrigated from works constructed or controlled by the United States, shall hereafter be sold, except in conformity with the classification of farm units by the United States, and the title to such lands shall not pass from the state until the applicant therefor shall have fully complied with the provisions of the laws of the United States, and the regulations thereunder, concerning the acquisition of the right to use water from such works, and shall produce the evidence thereof duly issued. After the withdrawal of

No application for state lands within limits of lands withdrawn for irrigation purposes by the United States to be accepted, except upon conditions.

Lands by the United States for any irrigation project, no application for the purchase of State Lands, within the limits of such withdrawal, shall be accepted, except upon the conditions prescribed in this Section; and, provided, that sales of

Sales of lands are to be made only to citizens or those who have declared their intentions to become citizens of the United States, or to domestic corporations.

state lands shall be made only to citizens of the United States, or to those who have declared their intention to become such, or to corporations organized under the laws of this state, provided, that the state board of land commissioners may sell to the United States, at the minimum price

May sell to the United States at $10 per acre.

of ten dollars per acre, any state lands within the limits of a withdrawal of lands by the United States for reclamation purposes; or may exchange the same for other lands of the

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United States, upon such terms as it may deem for the best interests of the State; and, provided, that whenever the soil on any timber land is of such character that when cleared it would make good agricultural land, the land may be sold with the timber thereon as timber lands; and, provided, further, that all leases and conveyances of state lands by the state board of land commissioners shall contain a reservation to the state of all coal, oil, and gas contained therein.

May exchange lands with the United States.

When lands may be sold with the timber.

Reservations of coal, oil and gas.

Sales of Irrigation.

Section XXXV.

For the purpose of furnishing irrigation for state lands, the state board of land commissioners, is hereby authorized when, in their judgment, the interests of the state would be subserved thereby, to sell, at public sale, at not less than the appraised value thereof, (which in no case, shall be less than the minimum price of ten dollars per acre,) any tract of arid land belonging to the state; provided, that no less than one-half of any section shall be sold, and only in alternate half sections, to any responsible person or persons, on condition that such person or persons construct an irrigation ditch in such locality, and to and upon said land, and of sufficient capacity to furnish water for the entire tract, and so located that said tract may be irrigated therefrom; provided, that, before any state lands shall be offered for sale under this section, the person desiring to purchase said land and construct said ditch, shall enter into a contract with the board guaranteeing to bid at least the minimum price per acre for said land, and to complete such ditch within the agreed time, which time shall be fixed by the board in contract. The contract shall further provide that such ditch shall furnish sufficient water for the remaining one half of the state lands, at such reasonable rates as the board and the party constructing such ditch or canal may agree upon. Such contract shall be drawn by the Attorney General and signed by the Governor and register of state lands, and by the party desiring to construct said ditch; and, provided, further, that if any person, other than the person making application for the purchase of said lands, shall be the highest bidder at the public sale thereof, such bidder shall immediately enter into a bond

Sale of arid lands at public auction at appraised value.

Quantity of arid land to be sold in tract, upon condition that purchaser will construct irrigation works.

Before sale the Purchaser shall enter into bond.

What contract shall further provide.

Contract shall be drawn by the Attorney General and signed by the Governor and register of the land office.

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If land is bid in by another person the purchaser shall enter into a like contract and give bond.

or give the State other sufficient surety conditioned that he will within such reasonable time as the board may fix, enter into a contract and bond as required by the provisions of this act, for the construction of said ditch and for the furnishing of water therefrom; and in the event of his failure to furnish a satisfactory bond and enter into the said contract within the time fixed, then such bid shall be disregarded and said public sale shall be void and of no effect. The sale shall be made upon like conditions as other state lands are sold, and the board shall require a good and sufficient bond from the party desiring to construct such ditch, conditioned for the faithful performance of the contract and the conditions of the sale; and in no case shall the title of any of said lands pass from the state until the ditch shall have been completed and accepted by the board.

If he fails to furnish satisfactory sureties within time fixed his bid shall be disregarded and sale shall be void.

Like conditions as of other sales of land.

Title shall not pass until ditch is completed.

Location of Water Rights, etc., for State.

Section XXXVI.

It shall be the duty of the state land agent, under the direction of the state board of land commissioners, wherever it may be deemed desirable, to locate water rights for the irrigation of any state lands in the vicinity, and also, to locate reservoirs sites, wherever the same may be desirable, for irrigation purposes, in connection with state lands.

It shall be the duty of the state land agent to locate water rights when, and also reservoir sites.

Section XXXVII.

All sales and leasings of state lands shall be conducted by the register of state lands. Each quarter section, or such portion thereof as belongs to the state, shall be offered for sale separately; smaller lots only may be sold when it is impossible to sell as above described, or when thereby a larger price may be obtained, but not more than one hundred and sixty acres of agricultural land susceptible of irrigation, and not more than three hundred and twenty acres of agricultural land not susceptible of irrigation, and not more than six hundred and forty acres of grazing land or lands which, by reason of altitude are valuable only as hay land, shall be sold to one person, or company or corporation; and no land shall be sold for less than the minimum price of ten dollars per acre, nor for less than its appraised value, and the amount of the purchase money to be paid at the time of the sale shall not

All sales and leasing to be conducted by the register of state lands.

Quarter sections, how offered.

When smaller pieces may be sold.

No more than 160 acres of irrigable agricultural land and no more than 320 acres of arid agricultural land, and not more than 640 acres of grazing land shall be sold to one person, company or corporation.

No land shall be sold for less than $10 per acre, nor less than its appraised value.

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be less than fifteen per cent of the whole purchase price.

Fifteen per cent of price must be paid at time of sale.

Section XXXVIII.

Sales shall be at public auction and at the county seat of each county, at least one in every two years.

All sales of state lands shall be at public auction only. The state board of land commissioners shall hold a public sale of state lands at the county seat in each county in the state at least once every two years, and may hold other public sales of such lands in any county of the state at any time they may deem it necessary, at which sales any and all of the state lands subject to sale situated in said county, may be offered for sale and sold. All sales shall be held at the Court House in the County in which the same is held.

What lands may be offered at such sales.

Sales to be held at the court house.

Place of Sales and Notice.

Section XXXIX.

How sales shall be advertised.

All sales under this act, shall be advertised once in each week for four consecutive weeks, in some paper printed and published in the county in which such land is situated, if there be such paper, if not, then in some paper published in an adjoining county. The advertisement shall state the time, place and terms of sale, and a description of the state lands in the county to be offered.

What advertisements shall state.

Confirmation of Sales.

Section XL.

No sale shall be deemed complete until after approval and confirmation of the state land board.

All sales of state lands and all sales of timber on state lands, shall be subject to the approval and confirmation by the state board of land commissioners, and no sale shall be deemed completed until after such approval and confirmation.

Default in Payment of Purchase Price.

Section XLI.

Upon failure to meet payments due upon purchases for thirty days certificate may be forfeited and the lands revert to the state upon notice given.

Whenever any purchaser of state lands, or his assigns, shall default, for a period of thirty days, in any of the payments of either principal or interest due upon the certificate of purchase issued to him, or his assignor, said certificate may be forfeited and the lands reverted to the State of Montana, upon a notice to that effect mailed to the last known address of said purchaser, or his assigns, which notice shall allow his thirty days additional within which to make such payment. Provided that like notice shall be mailed to the bondsmen, if any, of such person or assigns, who, in case of the final default of said purchaser, shall be entitled to redeem said land

What notice shall state.

Proviso.

Bondsmen entitled to redeem within thirty days after final default.

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Previous payments forfeited, when.

at any time within thirty days after such final default. If payment be not made as is in this section provided the state board of land commissioners may sell the said lands, or any part thereof, and all payments made by the previous purchaser shall be forfeited to the state.

Purchase price, how paid.

Section XLII.

How lands shall be paid for.

State lands shall be paid for as follows: Fifteen per cent of the purchase price in cash on the day of the sale, and the balance in twenty equal annual payments, drawing interest at the rate of five per cent per annum, payable annually; but a purchaser may make payment of one or more annual installments at at any time by paying the principal, together with accrued interest, if paid on the date when one of the annual payments is due, if not, then to the date of the next annual payment.

When purchaser may make one or more annual payments at one time.

Certificate of Purchase.

Section XLIII.

When certificate of purchaser shall be delivered.

Whenever any purchaser of the state lands has paid fifteen per cent of the purchase price of the land bought, and delivered to the register of state lands the bond herein required to be given, the register shall make out a certificate of purchase and deliver the same to the purchaser, which certificate shall contain a description of the land purchased, the sum paid, the amount remaining due, the date at which each of the deferred payments falls due, and the amount of each, and shall be signed by the Governor, as the president of the state board of land commissioners, and by the register, and a record of the same shall be kept in a suitable book.

What certificate shall contain.

By whom signed.

Record of certificates.

State Land Agent to Examine.

Section XLIV.

Examination and report of state land agent when application of purchase is filed.

When an application to purchase any state lands shall be filed in the office of the register, the state board of land commissioners may refer the same to the state land agent, who shall visit the land proposed to be purchased and shall report in writing to the state board of land commissioners, giving the value of said land, and the value of all improvements which may have been placed thereon, together with any other facts which may have a bearing in determining the value

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thereof. If any of the improvements consist of cultivation done thereon by a prior lessee, and the land shall be purchased by any other person than such lessee, seventy-five per cent of the value of such cultivation shall be paid to the person making the same, and the other improvements shall be disposed of as herein otherwise provided.

If improvements have been made by prior lessee.

When purchaser entitled to patent.

Section XLV.

Whenever a purchaser of state lands, or his assigns, shall have paid one-half of the amount of money payable to the State of Montana upon his certificate of purchase, he shall be entitled to have his bond, given to secure such payment, cancelled; unless the state board of land commissioners shall order that the same continue in force for a longer period; and when he shall have paid the whole of the said purchase money, he shall be entitled to letters patent for the land sold to him or his assignor.

When one-half of the purchase price of lands has been paid, bond given to secure purchase price may be released unless otherwise ordered by the board.

When entitled to letters patent.

Patents, how executed.

Section XLVI.

The Governor, and in case of his abence or inability, the Lieutenant Governor, shall be, and is hereby authorized to execute deeds or patents of conveyance, transferring, without convenants, any and all lands sold by the state board of land commissioners under the laws of this state. Such deed or patent shall be attested by the Secretary of State, countersigned by the register and have the great seal of the state and the seal of the state board of land commissioners thereto attached, but need not be acknowledged. A certified copy of the record of any such deed or patent shall be receivable in evidence in all Courts of record of this state, the same as the original.

The Governor is authorized to execute deeds or patents of conveyance without covenants.

How such conveyances shall be attested.

Seals.

Certified copy of the records of such deeds or patents to be received in evidence.

Limitation for Cancellation of Patent.

Section XLVII.

No action shall be brought to vacate or cancel any patent issued by the state, after the expiration of two years from the date of such patent, except upon the ground of fraud.

Limitations of actions to vacate or cancel deed or patent.

Certificates may be assigned.

Section XLVIII.

Certificates of purchase shall be assignable. but all such

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Assignments of certificates of purchase.

assignments shall be in writing, and be acknowledged as other conveyances of real estate, and shall be filed for record in the office of the register of state lands; provided, however, that the state board of land commissioners may cancel any certificate of purchase, upon the ground of fraud within three years from the date of its issue, upon giving to the person named in the certificate of purchase, at his last known place of address, thirty days notice that the same is held for cancellation; and, if the same is registered, hearing shall be had before the board of Contest, as in other contested cases provided, provided that such hearing may be had upon testimony taken before some officer authorized to administer oaths in the county in which the land involved is situated.

When certificates may be cancelled on the ground of fraud.

Hearing before the board of contests.

Proviso.

Lost Certificate of Purchase.

Section XLIX.

Proceedings in case of lost or wrongfully withheld certificates of purchase.

Whenever any certificate of purchase shall be lost, or wrongfully withheld by any person from the owner thereof, the contest board may receive evidence of such loss, or wrongful withholding, and report their findings, as in other contested cases; and the state board of land commissioners, may, in proper cases, cause a new certificate of purchase, or a patent, as the case may be, to issue to such person as shall appear to them to be entitled thereto.

New certificate.

Lands subject to Taxation.

Section L.

Lands sold subject to taxation.

The register of the land office shall furnish the Assessor of each county lists of lands sold during the year.

Per cent which shall be taxed.

In case of sale for taxes purchaser's interest only sold.

All lands sold under the provisions of this act, or any interest therein, shall be subject to taxation; and the register of state lands shall furnish to the county assessors of each county, on or before the fifteenth day of March of each year, a list of all lands sold during the year ending of the first Monday of March, to whom sold, the purchase price, and the amount actuall paid. Provided, that no purchaser of state lands shall be taxed for a greater percentage of the value of the land than the ratio which the amount actually paid on the purchase price bears to the total purchase price. And provided further, that in case of a sale for taxes, the interest only of said purchaser shall be sold.

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Interest of purchaser subject to lien.

Section LI.

To what liens interest of purchaser is subject.

That the interest of any purchaser of state lands in the land so purchased, shall be subject to the same liens as other real-estate; provided, that in case of sale, only the interest of the purchaser shall be sold. In case of any sale under the provisions of this section, or of a sale for taxes, the person purchasing under such provisions, shall be substituted for the judgment debtor and a new certificate of purchase shall be issued to him upon satisfactory proof to the state board of land commissioners that he is entitled thereto.

Interest of purchaser only can be sold.

Substitution of purchaser.

If lands revert.

Section LII.

The register shall notify County Assessor in case any land reverts to the State.

In case any lands sold under the provisions of this act shall revert to the state, for any cause whatsoever, the register of state lands shall at once notify the assessor and the County treasurer of the county in which the land is situated, and upon the receipt of such notice it shall be the duty of the assessor to cancel any assessment of said land for that year, and of the county treasurer to rebate all taxes that have been charged against said land for that year; provided that the state shall pay to the county in which said land is situated, its proportion of any taxes that may have been levied upon said land for a year in which the state has collected an installment of purchase money upon said land, said payment to be made out of such installment.

Cancellation of assessments of such lands, and rebate of taxes.

When State shall pay a proportion of taxes levied.

Sale of Timber.

Section LIII.

Power of board of land commissioners to sell timber on state lands.

The state board of land commissioners shall have power to sell timber on state lands at such price per thousand feet as in its judgment shall be for the best interests of the state, but not otherwise; but no such sale shall be made at a less price than three dollars per thousand feet. But no live timber less than eight inches in diameter, twenty feet from the ground, shall be sold or permitted to be cut. All timber sold or cut from state lands shall be so cut and removed, under such rules and regulations for the preservation of standing timber, and the prevention of fires, as the state board of land commissioners shall prescribe; before any permit shall be

Minimum price of timber.

Least dimensions of timber to be sold.

Rules and regulations of cutting and removing timber.

Timber shall be estimated and appraised before permit be granted.

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What estimates and appraisements shall show.

granted, the timber shall be estimated and appraised under the direction of the state land agent, upon request, and subject to the approval, of the state board of land commissioners, which estimates and appraisal shall show as nearly as may be the amount and value per thousand feet of all timber measuring not less than eight inches in diameter, twenty feet from the ground, and also all other timber measuring below this standard on each tract or lot, together with a statement of the situation of the timber relative to risk from fires or damage of any kind, its distance from the nearest lake, stream or railroad, and its value and position as a protection to a water-shed.

Permits for cutting timber.

Section LIV.

Permits to cut timber shall be sold to highest bidder at public sale held at state capitol.

No permit for cutting live timber shall be granted except to the highest bidder, at a public sale held at the State Capitol, notice of which sale shall be published as herein provided for sales of state lands, but no sale shall be made at a less price than the appraised value of the timber as fixed by the state board of land commissioners; and no timber shall be sold after the passage of this act until the same has been re-appraised.

Publication of notice.

No sales for less than appraised value, nor until after re-appraisement.

Purchaser shall execute a bond with sufficient sureties.

Every person purchasing timber at such sale, before the execution of the permit to cut the same, shall execute a bond to the State of Montana, in double the amount of the estimated value of the timber permitted to be cut, with sufficient sureties, to be approved by the board, conditional upon the payment to the state treasurer of the amount that may be found due under the terms of such permit, and according to the provisions of law.

Conditions of bond.

Permits.

Section LV.

Permits to cut timber shall be in form prescribed by the Attorney General and signed by whom.

All permits to cut live timber under the provisions of this act shall be made according to form prescribed by the Attorney General, and shall be signed by the party applying for the same and by the president and secretary of the state board of land commissioners.

Contents of permits.

Said permits shall contain a description of the land to be cut upon, the estimated amount of timber upon the same, the

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amount of large timber required to be left standing, the time within which said timber shall be removed, the price per thousand feet, or the entire value of the timber, if the right to clear the land has been sold, for which the same was bid in, the stipulated log mark, and such other terms and conditions as may be necessary to make all logs cut under its provision the absolute property of the state, untill the same are paid for. Such permits, when properly executed, shall be recorded in the office of the register to the state board of land commissioners, and the log mark described therein shall vest the ownership of all logs bearing the same in the state. Provided, however, that the state board of land commissioners may authorize the state land agent or the state forester to issue permits, without notice, to citizens of Montana to cut and take away dead and down timber for domestic purposes only, under such rules and regulations as to price and quantity as may be prescribed by the board.

Permits shall be recorded.

Title of logs in State.

Permits to cut dead and down timber.

Log mark.

Section LVI.

The register of state lands shall select and designate a log mark for each person granted a permit to cut logs upon state lands, which log mark, when so selected and designated, shall be filed in the office of the register of state lands, and shall be destinctly different from any other log mark selected and designated by him. The state land agent shall cause all logs so cut to be sealed and make a detailed report of the same, to the state board of land commissioners on or before the first day of every month, showing the name of the party cutting, the description of the land cut upon, the number of logs cut and marked, the mark placed thereon, the total number of feet, and the value thereof per thousand, as shown by the records of his office, stating whether such cutting has been according to the terms of the permit, and, if not properly cut, the consequent damage to the state; and such timber or logs shall not be sold, transferred or manufactured into lumber untill the amount due the state, according to the report of said land agent shall have been paid in full; and it shall be the duty of the state land agent to report to the state board of land commissioners all trespass which has been, or

The register to select and designate log marks for each person granted permits.

Marks to differ.

Land agent to cause logs to be marked and sealed and a detailed report to be made to the board on first of each month, showing what.

Such timber not to be sold or manufactured into lumber until paid for.

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Trespasses to be reported to state land board.

which may hereafter be made upon the state timber lands, and all logs cut by such trespass shall be disposed of as hereinafter provided.

Payment for Timber.

Section LVII.

When duplicate drafts for payment shall be drawn

Upon receipt of such report from the state land agent the state board of land commissioners shall draw duplicate drafts for the amount found due; one of which shall be delivered to the state treasurer, and the other forwarded to the party from

Purchaser shall immediately pay into state treasury amount due and take duplicate receipts.

which the stumpage is due. The purchaser shall immediately make payment of the required amount to the state treasurer, and take duplicate receipts therefor, one of which he shall return to the state board of land commissioners, who shall thereupon execute a release of the logs, and a transfer of the mark thereon; but in no case shall such realease or transfer be made untill the lien of the state for the purchase price has been fully satisfied. If such purchaser shall not pay the amount of such draft within ten days after the same has been placed in the hands of the state treasurer, it shall be the duty of the state board of land commissioners to take possession of the logs in question, and sell the same at public auction to satisfy the claim due the state, paying the over plus, if any, after defraying the costs and expenses of such sale, to the party entitled thereto, and to make return thereof to the state treasurer, provided, that if the proceeds of such sales are insufficient to pay the amount due upon the purchase price, together with the costs and expenses of the sale, the amount of such deficiency shall be certified to the Attorney General, by the state board of land commissioners, and he shall immediately proceed to collect such deficiency from the purchaser or his bondsmen; and, provided, that in lieu of taking possession of the logs upon which stumpage is due, the state board of land commissioners may turn the account over to the Attorney General, who shall immediately proceed to collect the same upon the bond herein before provided for; but in no case shall the logs be released until the account is paid. The proceedings upon the bond shall not prevent the state board of land commissioners from seizing the logs at any time before the claim of the state is satisfied.

Release of logs.

Release not to be made until when.

If drafts not paid within ten days, duty of board.

If proceeds of sale are not sufficient to pay amount due.

Attorney General shall immediately proceed to collect deficiency from the bondsmen.

Proviso.

Logs shall not be released until the account is paid.

Board may seize logs notwithstanding proceedings against bondsmen.

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Penalty for false marks on Timber.

Section LVIII.

Any person placing any other mark upon logs than the one designated with intent to defraud shall be guilty of felony.

If any person, or any officer or employee of a corporation, having a contract to cut timber under the provisions of this act, with intent to defraud the state, place any other log mark upon logs cut by him or if, under such contract than the one mentioned therein he shall be deemed guilty of felony, and when upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars nor more than Five Thousand Dollars, or by imprisonment in the State Prison for not less than one year, nor more than three years, or both; and all logs upon which such false mark has been placed shall be forfeited to the State.

Penalty.

Logs falsely marked shall be forfeited.

Additional Penalty.

Section LIX.

In addition to penalties prescribed the board of land commissioners are authorized, in case of trespass against any of the lands held in trust by the State, to seize and take all lumber, wood, grass or other property unlawfully severed from the lands.

May sell same, how.

Proceeds of such sales.

That in addition to the penalties provided for in this title against those committing trespass upon any of the lands owned or held in trust or otherwise by the State, the State Board of Land Commissioners is hereby authorized and empowered, without legal process, to seize and take, or cause to be seized and taken, any and all lumber, wood, grass or other property, unlawfully severed from the said lands, whether the same has been removed from said lands or not, and may dispose of the same at either public or private sale, in such manner as will be most conductive to the interests of the State, and all moneys arising therefrom, after deducting the reasonable and necessary expenses of such seizure and sale, shall be a part of the permanent fund to which such lands may belong.

Board Defend Suits.

Section LX.

Board authorized to defend actions brought to determine title to property seized and taken.

That for the purpose of determining the title to any property seized and taken under the provisions of this Act, the State Board of Land Commissioners is hereby authorized and empowered to defend, in the name of the State, any and all actions that may be brought for that purpose, and to do and perform all things necessary to protect the interests of the State.

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State Log Mark.

Section LXI.

State land agent to select brand which shall be placed upon all seized timber, logs, planks or boards.

The State Land Agent, under the direction of the State Board of Land Commissioners, shall select and designate a brand, which shall place or cause to be placed upon all timber, logs, boards or planks, that may be seized, as provided for in this Act. Any person, or persons, or any officer or employes of any Company, Association or Corporation, who shall remove, sell or dispose of any property mentioned in this Act, after the same has been seized or marked with the State Brand, or who shall erase, deface, cut or destroy, any mark upon any such property, shall, upon conviction, be imprisoned in the State Prison for a term of not less than one year nor more than three years, and be subject to a fine of not less than Five Hundred Dollars nor more than Five Thousand Dollars.

Removal or sale of any property seized or marked; erasing or defacing such marks upon such property.

Penalty.

Board May Lease.

Section LXII.

Authority given board to lease lands, when.

The State Board of Land Commissioners may lease any portion of the land of the State at a rental to be determined after the examination of the land by an appraiser, except as herein provided. The lessee shall pay the annual rental in advance to the register of State Lands, who shall receipt for the same. If stone, coal, coal oil, gas or other mineral not mentioned herein, be found upon the state land, such land must be leased only for the purpose of obtaining therefrom the stone, coal, coal oil, gas or other mineral, for such length of time, and conditional upon the payment to the register of such royalty upon the product, as the State Board of Land Commissioners may determine.

Rentals to be paid in advance.

Leasing of lands upon which are found coal, coal oil, gas or other minerals.

Lease conditioned.

Lands, how Leased.

Section LXIII.

Lands offered for sale, except timber lands, for which no bid is received, must be offered immediately for lease as follows.

At every public sale of State Lands, each tract of land, except timber lands, for which no bid for its purchase has been received, shall be immediately offered for lease to the highest bidder, as follows: by quarter sections, or so much thereof as belongs to the State, in the case of lands classified as agriculture (a); by half sections. in the case of lands classified as agriculture (b); and by sections in the case of lands

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classified as grazing; and smaller tracts shall not be leased, unless it is deemed impossible to lease as above described, or unless a larger price may be obtained thereby; and no land shall be leased for a longer period than five years, nor for a less rental than the minimum rental fixed by the Board, which shall not be less than five per centum per annum of the appraised value of such lands.

No land shall be leased for a longer period than five years, nor for less than five per centum per annum upon appraised value.

Bond and First Payment of Rental.

Section LXIV.

Each lessee, within twenty-four hours after leasing any land, pay to the register the first year's rental, and shall deliver to him a good and sufficient bond, executed by the said lessee and two sureties, and approved by the treasurer of the county in which the land is situated; the condition of such bond being that such lessee will keep and perform all the convenants and agreements contained in the lease; and the register shall, upon such payment; and the delivery of such bond, execute and deliver to such lessee, a lease of such lands, and shall enter the same in a suitable book to be kept for that purpose.

Lessees must pay first year's rent within twenty-four hours and execute bond.

Condition of bond.

When lease shall be executed and entered.

Penalty for Failure to make First Payment.

Section LXV.

If any successful bidder at a public leasing or public sale refuses or neglects to make payment, or deliver his bond as herein provided, he shall forfeit to the State the sum of one hundred dollars, with costs; and the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.

Failure of successful bidder to make payment and execute bond.

Penalty.

Leases Conditioned on Payment of Rental in Advance.

Section LXVI.

All leases of State or School Land shall be conditioned upon the payment of rent annually in advance, and the violation of this condition shall work a forfeiture of the lease at the option of the State Board of Land Commissioners, after thirty days notice to the lessee, such notice being sent to his last known post office address, as given by himself to the register of the State Board, and to the sureties upon his bond; provided, that after the expiration of the said thirty days notice, the sureties upon the bond of the lessee, or any creditor of the lessee, may pay the said rental and take an assignment of said lease, or

Conditions of leases of school lands.

Violation of conditions to pay rental.

Proviso.

Sureties or creditors may pay rental and taken an assignment of lease, when.

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Proviso.

have such rights transferred to them or him, as the case may be, Provided that such sureties shall have the preference.

Term of Lease.

Section LXVII.

No lease for longer period than five years.

No State Land shall be leased for any person for a longer period than five years. Lots within an incorporated town or city, may be leased for a period of five years, with covenants for the renewal of said lease to the lessee, or his assigns, for nine more rental periods of five years each, making a total of not to exceed fifty years, at such rental as may be fixed at the beginning of each five year term.

How long lots in incorporated towns and cities may be leased.

Renewal of Lease, how Made.

Manner of renewing leases expiring by limitation.

Section LXVIII. When any lease expires by limitation, the holder thereof may renew the same as follows; at any time within thirty days before the date of such expiration, the lessee or his assigns, shall notify the register of his desire to renew said lease; if the lessee and the register agree as to the valuation of the land, a new lease may be issued, bearing even date with the expiration of the old lease, and upon like conditions; provided, however, that the former valuation shall not be decreased without the consent of the State Board of Land Commissioners; and, provided, further, that the State Board may, in its discretion, offer said land for sale at any of the regular public sales of State Lands held in the county where the land is situated, upon the same terms, and in the same manner as through said lease had not been executed.

Proviso.

Further proviso.

Improvement on Leased Land.

Duty of person applying to lease lands upon which there are improvements placed by a prior lessee.

Section LXIX. Should any person apply to lease any of the lands belonging to the State, upon which there are improvements placed there by a former lessee, before a lease shall issue, said applicant shall file in the office of the register, a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the State Land Agent, or one of his assistants, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of such improvements so agreed upon or fixed; or proof that the owner of said improvements elects to remove them.

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Rental of Coal Lands.

Royalty to be paid per ton by lessees of coal lands.

Section LXX. Any person, association, co-partnership or corporation, leasing and operating coal lands under the provisions of this Act, shall pay to the State the minimum price of not less than ten (10) cents per ton, for each and every ton of merchantable coal so mined from said land, to be paid monthly on or before the 25th, day of each month, for the coal mined during the preceding calendar month. Should the lessee of such coal land fail to mine during any one year the minimum amount that may be provided for in the term of the lease, he shall, notwithstanding such failure, pay to the state the minimum rental provided for in said lease. Should any person apply to lease any of the coal lands belonging to the State, upon which there are surface or underground improvements placed or made by a former lessee, before a lease shall issue, said applicant shall file in the office of the Register a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the State Land Agent, or one of his assistants, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of such surface or underground improvements so agreed upon or fixed; or proof that the owner of such improvements elects to remove them.

To be paid monthly.

Failure to mine the minimum amount provided for in lease.

Requirements of persons applying to lease coal lands upon which there exists surface or underground improvements by a former lessee.

Location of Mining Claims on State Lands.

Dimensions of locations of mining claims on state lands.

Section LXXI. Locations of Mining Claims not exceeding six hundred (600) feet in width and fifteen hundred (1500) feet in length, each, may be made upon lands belonging to the State as follows: The discoverer of a body of mineral in either a vein, lode, or ledge, or mineral in a placer deposit shall immediately post conspicuously a notice that he has made such a discovery, on the date stated in such notice, and shall complete such location in all respects as prescribed by the laws of this State for the location of Mining Claims upon the public lands of the United States, except that no notice of such location need be recorded in the office of the County Clerk, but such notice shall be filed with the register of State Lands. Such procedure shall empower the locator to retain possession of and operate said claim for the

How locations shall be made.

Notice thereof need not be recorded in the office of the County

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Recorder, but filed when. Locator must purchase claim or lease same at the end of one year.

period of one year, at the end of which time, he shall be required to purchase said claim Ten Dollars per acre or take a lease thereof at such price, or upon such terms as may be agreed upon between him and the State Board of Land Commissioners.

Proof of Mineral Character of Land.

Hearing to establish the mineral value of claim before purchase.

Section LXXII. Before the locator will be allowed to purchase the claim located by him, satisfactory proof at a hearing, if deemed necessary, must be submitted to the State Board of Land Commissioners, that such claim is more valuable for mineral purposes than for any other purpose, and that the same contains a body of mineral in place, or a placer deposit, of sufficient value to justify the operation of the same as a present fact; provided, that no mining claim shall be located upon any coal or oil lands; and, provided, further, that all hearings under the provisions of this section shall be had before the contest board with like procedure as other contested cases; and provided, further, that no lands classified under subdivision four of the Classification in the Constitution shall be sold as mineral lands, but the mineral therein may be sold separately from the surface.

Mining claims not to be located upon coal or oil lands.

Certain other lands excluded.

Lands Valuable for Stone.

Stone quarries to be leased upon a royalty basis only.

Section LXXIII. Whenever it shall appear to the State Board of Land Commissioners that there is a deposit of stone valuable for building, mining, or other commercial purposes upon any section or subdivision of State Land, the Board shall not lease the same for any purpose except for the extraction and working of the stone and then upon a royalty basis only, upon such terms as the Board shall prescribe. The Board may lease the remainder of the section or subdivision for agriculture, grazing, or other purposes, as may appear for the best interests of the State, as other State Lands are leased; but shall provide in all such cases for a right of way across said State Land or any adjoining State Land for all purposes connected with the working and disposition of the stone.

Remainder of land may be leased.

Right-of-way reserved.

Leases and Receipts.

Section LXXIV.

All leases shall be in duplicate, both to be signed by the

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lessee and by the register of State Lands, with the seal of the Board affixed thereto, one copy to be delivered to the lessee and the other to be retained in the State Land office.

Leases to be in duplicate. How signed.

Register Receipts.

Section LXXV.

The Register shall issue receipts in triplicate for all moneys received by him from any source, of which one copy shall be delivered to the person making the payment, one copy to be delivered to the State Auditor, and the other copy to be retained in the State Land Office. All receipts issued shall be numbered consecutively.

Register must issue triplicate leases.

Receipts numbered.

Lease Hold Subject to Execution.

Section LXXVI.

The lease hold interest of any lessee shall be subject to levy and sale under attachment and execution as other property.

Lease hold interest subject to levy and attachment.

Record of Leases and Certificates.

Section LXXVII.

The register shall keep a full and complete record of all lesses and certificates of purchase issued by him, and of all payments made thereon, and shall on or before the twentieth day of every month notify all persons having amounts becoming due during the following month, of such amounts. He shall also notify, at such time, all persons who may be delinquent for thirty days or more, of such delinquencies. In case any lessee becomes delinquent for more than sixty days after notice, the register shall forthwith, unless an extension has been granted, declare a forfeiture of the lease, and may eject the lessee from the land; but such forfeiture and ejectment shall in no way release the bond heretofore provided for, but the sureties thereon, upon the forfeiture of such lease, and upon the payment by them of the amount due, if paid without suit, may have the lease transferred to them, or either of them by consent of the other, for their own use and benefit, and be substituted to all the rights of the lessee. In case of a disagreement between the sureties the land shall be divided between them by the State Land Agent.

Register to keep records of.

Notice to be given monthly of amounts falling due.

Notice to delinquents thirty days prior thereto.

Delinquency for sixty days. Notice and forfeiture.

Ejectment.

Transfer of lease to sureties.

Disagreement between sureties.

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Lands Not Sold May Be Leased.

Section LXXVIII.

Leases of land once offered for sale and lease at public sale.

Whenever any state lands have been exposed for sale and lease at public sale, any lots or tracts remaining unsold or unleased, may be leased to any person thereafter making application therefor subject to the same terms and conditions as though the applicants were the successful bidder at a public sale.

Purchase of Water Right by Lessee.

Section LXXIX.

Acquisition of water rights by lessee of state lands.

At any time during the existence of a lease, the lessee, with the consent of the Board of Land Commissioners first obtained, may, by written application showing the cost and benefits to be derived therefrom, purchase or acquire a water right, in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement, then, in case of the sale or lease of the said lands to other parties, the old lessee shall be entitled to receive the value thereof, as in the case of other improvements which he may have placed upon said lands.

Removal of Improvements.

Section LXXX.

Removal or sale of improvements upon state lands.

All lessees having improvements on State Lands, and who do not wish to re-lease the same, may dispose of or remove such improvements as are capable of removal without damage to the land, at any time within ninety days from the expiration of such lease, after which period all such improvements that have not been removed shall become the property of the State, unless such period be extended by the register for good cause shown.

Improvements of Prior Lessee.

Section LXXXI.

Payment by purchaser of improvements made by lessee.

When any person has heretofore, or shall hereafter settle upon or improve any of the lands of the State, held by him under lease from the State, and a sale of such lands in made by the State, subsequent to such settlement or improvement, and the leasee shall not become the purchaser, the person becoming the purchaser of such lands shall pay to such lessee the reasonable value of the improvement thereon. Whenever

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the parties cannot agree as to the reasonable value of such improvements, the value thereof shall be decided by the State Land Agent, or one of his assistants, but nothing herein contained shall be construed to interfere with the right of the purchaser of any such lands to the immediate possession thereof, upon the issuance to him of the certificate of purchuse Provided, such original lessee may elect to remove said improvements, as herein provided.

In case of disagreement as to values.

Who May Not Buy or Lease State Lands.

Section LXXXII.

It shall be unlawful for any member of the State Board of Land Commissioners, or any person or persons appraising lands, or in the employ of the State for the selection, classification, appraisal, sale or leasing of any State Lands, or the timber thereon, or of any person connected with the State Land Office as an officer or employee, to purchase or lease, directly or indirectly, any of the lands of the State, or any timber thereon.

No person connected with or in the employment of the state land department shall, directly or indirectly, purchase or lease any state lands.

Cancel Fraudulent Lease.

Section LXXXIII.

If through any fraud, deceit, or misrepresentation, any person or persons, corporation or company, shall procure the issuing of any lease for for State Lands, the State Board of Land Commissioners shall have authority to cancel the same, after thirty days notice to the lessee, which notice shall state the grounds of the charge, after which a hearing may be had before the Contest Board, as in other contested cases.

The board of land commissioners, after thirty days' notice, may cancel any lease fraudulently obtained.

Disposition of Rentals.

Section LXXXIV.

All moneys arising from the leasing of State Lands, shall be held for the benefit of the respective funds, known as Income Funds, for which said lands were granted, and may be used for any of the purposes contemplated in this Act.

Disposition of moneys derived from leasing state lands.

Money Paid By Mistake Refunded.

Section LXXXV.

If by any mistake or error, any money has been, or shall hereafter be, paid on account of any sale or lease of State Lands, it shall be the duty of the State Board of Land Commissioners to draw a voucher in favor of the party paying

Correcting errors in the payment of money on account of sales or leases.

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Duty of Auditor and Treasurer.

said money, and on presentation of such voucher, the Auditor shall draw his warrant upon the amount, and the Treasurer shall pay the same out of the funds into which such money was deposited or placed.

Moneys From Sales Go Into Permanent Funds.

Section LXXXVI.

Money from sales to be placed in the several permanent funds.

All moneys arising from the sale of any State Lands shall be held intact for the benefit of the funds for which such lands were granted, and shall be permanent funds, the interest of which only shall be expended for the purposes for which the said lands were granted.

Investment of Money In Permanent Funds.

Section LXXXVII.

Investment of the permanent land grant fund.

All moneys derived from the sale of State Lands and belonging to the Permanent Land Grant Funds, shall be invested as follows:

1. In bonds of the State of Montana, or of the United States.

2. In interest bearing warrants upon the general fund of the State.

3. In bonds of the several counties and cities of the State.

4. In bonds of school districts within the State of Montana. Provided that before any moneys are so invested, the Attorney General shall furnish the Board an opinion as to the legality of the bond, and the Board must be satisfied that such bonds are in all respects legal and a safe investment.

Duty of Attorney General.

Purchase of Bonds.

Section LXXXVIII.

Disposition of bonds purchased and the manner of paying for the same.

Whenever the State Board of Land Commissioners has purchased any bonds, as provided herein, and the same are duly executed and delivered to the President of the State Board of Land Commissioners the Board shall deliver the same to the State Treasurer, and shall direct the State Auditor to draw his warrant upon the State Treasurer for the amount thereof, specifying the fund upon which, and the person in whose favor, the said warrant shall be drawn, whereupon the State Auditor shall draw a warrant upon the State Treasurer accordingly, which warrant shall be delivered to the person in whose favor the same is drawn and shall be paid by the

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State Treasurer.

Treasurer Purchases Warrants.

Section LXXXIX.

Purchase of interest bearing warrants by State Treasurer and his statements thereof.

The State Treasurer shall purchase interest bearing warrants issued against the general fund of the State, whenever ordered so to do by the State Board of Land Commissioners; and the State Treasurer is hereby required to render a statement to the State Board of Land Commissioners of the amount of interest bearing warrants in each fund, at any time said Board may request such information.

State Shall Have Notice Of All Bond Issues.

Section XC.

Mandatory duties of county, city and school district officers in charge of sale of bonds thereof.

It shall be mandatory upon the officers in charge of any county, city or school district bond sales, to transmit to the State Board of Land Commissioners, at least thirty days prior to the date of any such sale, a copy of the notice thereof, also a full and complete brief of the proceedings had with reference to the issuance of said bonds, with the opinion of the County Attorney as to the legality thereof, together with a certificate showing the amount of taxable property in, and the amount of indebtedness against, such county, city or school district and, upon request, shall furnish such other information as the State Board may require; and any failure to comply herewith shall be deemed a misdemeanor, punishable by a fine of not less than One Hundred (100) Dollars, nor more than One Thousand (1000) Dollars; and the Attorney General, upon the request of the State Board of Land Commissioners, must prosecute any officer for violating this Section.

Failure to comply with requirements herein a misdemeanor.

Penalty.

Redemption of Bonds Before Maturity.

Section XCI.

When the board shall permit county school district, city or town to redeem a portion of its bonds.

The State Board of Land Commissioners shall permit any county school district, city or town to redeem one or more of its bonds, at the expiration of any interest period, before the maturity of such bonds, upon giving to the State Board of Land Commissioners thirty days notice of its intention to redeem and pay such bonds, and upon payment thereof as herein provided, such bonds shall be delivered to such county, school district, city or town for cancellation.

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Payment Of Interest.

Section XCII.

When interest on land grant warrants is payable.

The interest on all land grant warrants shall be payable on the first day of July next succeeding the date of issue, and annually thereafter. Whenever there is sufficient money in any of the land grant funds to pay outstanding warrants, or interest thereon, the Treasurer shall cause to be published a brief notice that said warrants, or the interest on particular warrants on which interest would be payable on July 1st, describing them by numbers and names of fund, will be forthwith payable; and on the presentation of any such warrants, on, or at any time after July 1st, the Treasurer shall pay the interest thereon, endorsing the date of payment and amount paid of each warrant, returning, the same to the holder; and he shall keep a register showing the dates and amounts of each interest payment on each warrant, in each fund; and if any warrants are called for payment, interest thereon shall cease on the date fixed in said notice.

Notice by the State Treasurer of the payment of warrants or interest thereon.

Payment by and further duties of Treasurer.

Expenses, How Paid.

Section XCIII.

The expenses of administration of the state land department, paid how.

The expenses of collecting, platting, leasing and selling of all state lands and all expenses connected with the preservation or sale of timber thereon, shall be paid by the Treasurer, on warrants issued by the Auditor, on vouchers certified by the State Board of Examiners, that the said expenses were necessary and actually incurred in the selection, location, appraising, classifying platting, leasing or selling of state lands, or in the preservation or sale of timber thereon, and shall be paid out of the money in the several Income Funds, and the State Board of Examiners, in approving the same, shall designate the particular fund out of which said expense shall be paid; provided, that no money shall be expended for the benefit of any lands other than those in the land grant from which the particular Income Fund has been derived.

Paid out of what funds.

Penalty for false appraisements.

Section XCIV.

Every person appointed or selected to appraise any of the State Lands, or the timber thereon who wilfully and know-

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ingly makes a false return of any survey or any classification or appraisal of the value of the land, or of the timber thereon, at variance from the true classification or value thereof, or without having personally examined and surveyed the same, is punishable as provided in Section 8234 (240) of the Penal Code.

Willful making of false returns by persons appointed to appraise lands or timber.

Penalty.

Timber not to be cut.

Section XCV.

If any purchaser of State Land, before receiving his title therefore, cuts or destroyes any timber on said land, more than shall be necessary in the building and repairing of fences and houses and other necessary buildings thereon, and for fuel for the family of the occupant, he shall be liable in damages for all such excess, the amount of such damage to be recovered in an action in the name of the State, to be instituted by the Attorney General, in the county in which the land is situated.

Damages for cutting or destroying timber by persons before receiving title.

Action to recover.

Bonds.

Section XCVI.

The State Board of Land Commissioners may require any clerk or employee in the State Land Office to give bond in such sum as may be deemed advisable. All bonds required under the provisions of this Act may be Surety Company Bonds. The cost of all Bonds required of any officer, clerk or employee under under the provisions of this Act, shall be paid out of the Income Funds provided for in this Act.

Of what employees in the land office bond may be required.

Cost of bonds.

Definition.

Section XCVII.

The words "State Lands" and "Public Lands of the State," mean all lands granted to the State by the United States for the support of common schools, including sections 16 and 36, and other lands granted in lieu thereof, and all lands granted for educational and reformation institutions, and for public buildings at the seat of Government of the State, and such other lands as may belong to, or may be hereafter granted to, the State by the United States, or by any person, and all lands of which the State may become the owner by operation of law.

Definitions.

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Records Public.

Section XCVIII.

Inspection of records in the state land office.

All documents and records in the State Land Office shall be subject to inspection by any person, in the presence of the register, or his deputy; and certified copies thereof signed by the register, with the seal of the Board of Land Commissioners attached, shall be deemed presumptive evidences of the facts to which they relate, and on request they shall be furnishable by the register.

Certified copies thereof deemed presumptive evidence of what.

Money, Where Payable.

Section XCIX.

When moneys due under provisions of this Act are payable.

All moneys due the State under any of the provisions of this Act, shall be due and payable at the office of the register of State Lands, at the State Capitol, in the City of Helena.

Suits, Where Triable.

Section C.

Venue of actions instituted or prosecuted concerning matters embraced in this Act, how controlled.

All actions for the recovery of money due under this Act, or for the cancellation of leases, or for the cancellation of certificates of purchase or patents, or for the recovery of State Lands, actions of forcible entry and detainer, actions for ejectment, and all other actions effecting any State Lands, shall be controlled, as to venue, by the Provisions of the Code of Civil Procedure relating to the place of trial of civil actions; and shall be conducted by the Attorney General.

Attorney General shall conduct.

Board May Select Lands.

Section CI.

Board has authority to accept lands by gift.

The State Board of Land Commissioners is hereby empowered to accept, in the name of the State of Montana, by gift or by operation of law, any lands of whatsoever nature; and said lands shall be appraised, managed, leased, or sold in the same manner as is prescribed herein for lands granted by the United States; and the proceeds of the leases and sales of all such lands shall be applied to such specific purpose or purposes as may be designated by the grantor or testator, or by the laws under which the same are acquired by the State.

How such lands are to be managed, appraised, leased or sold.

Proceeds from such lands.

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To Correct Errors.

Section CII.

Correction of errors and mistakes in conveyances to the state.

That the State Board of Land Commissioners is hereby authorized empowered and directed to correct, and cause to be corrected, any and all errors, mistakes and misdescriptions in any and all deeds and conveyances of property to the State of Montana; and in order to carry into effect the provisions hereof, all deed or such other conveyances as may be necessary, shall be made and executed in the manner provided for the execution of patents by the State. And said board has power to correct any error made in the sale or leasing of state lands by the board, or any officer acting under its control, upon satisfactory proof, by hearing before the contest board, if necessary, that an error or mistake has been made and should be corrected.

Correction of errors in conveyances from the state.

Holding Over and Trespass.

Section CIII.

Holding state lands for more than thirty days after expiration of lease.

All corporations, companies, or persons who shall use or occupy state lands for more than thirty days after the cancellation or expiration of a lease, except by authority of the board; and any corporation, company, or person who shall construct a reservoir, ditch, railroad, public highway, private road, telegraph, or telephone line, or in any manner occupy or enter upon lands belonging to the state, without first having secured the authority and permission of the state board of land commissioners to so occupy said land, for such purposes, shall be regarded as a trespasser and upon conviction thereof, shall be fined in the sum of not less than twenty-five (25) dollars, and not more than one hundred (100) dollars, for each offense, and each day shall constitute a separate offense, and in addition to the foregoing penalty, the state shall be allowed to collect as rental for the use of said lands, a sum equal to the appraised value thereof for rental purposes, as fixed by an appraiser from the State board of land commissioners, and which value shall not be less than ten cents per acre per annum.

Occupying state lands or entering upon them.

Penalty for trespassing.

State shall also be entitled to collect rentals.

Moneys from Penalties.

Section CIV.

All moneys received as fines, fees, or forfeiture under this

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Money received from fines, fees and forfeitures.

Act, or as penalties for violations of the provisions of this Act, and not otherwise provided for, shall be paid to the State Treasurer and by him credited to the land office expense fund.

County Commissioners may Protect Forests.

Section CV.

County Commissioners may provide money for forest fire protection.

The Board of County Commissioners of any county may provided money for the purposes of forest protection, improvement and management.

Penalty.

Section CVI.

Violation of Act by any officer or employee of the state, not otherwise provided for, a felony.

Penalty.

Any officer or employee of the State of Montana guilty of a violation of any of the provisions of this Act and not herein otherwise provided for is hereby declared guilty of a felony, and shall be punished by imprisonment in the State Prison for a term not exceeding ten years, or by a fine not exceeding Five Thousand Dollars, or by both fine and imprisonment.

Repealing.

Section CVII.

Repealing clause.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section CVIII.

When in Force.

When Act shall take effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1909.

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SUB. FOR HOUSE BILL NO. 314.

"An Act making Appropriations for the Executive and Judicial Departments of the State Government for two Years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910 to February 28, 1911."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period ending February 28, 1910.

Executive Department.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Secretary, Two Thousand Four Hundred Dollars.

For salary of Governor's Stenographer, One Thousand Five Hundred Dollars.

For Governor's office and traveling expenses, One Thousand Two Hundred and Fifty Dollars.

For requisitions, Two Thousand Dollars.

For rewards, One Thousand Five Hundred Dollars.

Office of Secretary of State.

For salary of Secretary of State, Three Thousand Dollars.

For salary of Deputy Secretary of State, One Thousand Eight Hundred Dollars.

For salary of Stenographer of the Secretary of State, One Thousand Five Hundred Dollars.

For extra clerical hire, Secretary of State, Seven Hundred Dollars.

For office expense of the Secretary of State, One Thousand Five Hundred Dollars.

For postage and express on Session Laws, Two Hundred Dollars.

For additional vault room and fixtures, Three Thousand Dollars.

Office of State Treasurer.

For salary of State Treasurer, Three Thousand Dollars.

For salary of Deputy State Treasurer, Two Thousand Four

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Hundred Dollars.

For salary of clerk to the State Treasurer, One Thousand Eight Hundred Dollars.

For office expense and extra clerical hire of the State Treasurer, Six Hundred and Fifty Dollars.

For salary of Stenographer of the State Treasurer, One Thousand Two Hundred Dollars.

For official bond of the State Treasurer, the sum of Two Thousand Dollars.

Office of State Auditor.

For salary of State Auditor, Three Thousand Dollars.

For salary of Deputy Insurance Commissioner, Two Thousand One Hundred Dollars.

For salary of Stenographer of the State Auditor, One Thousand Two Hundred Dollars.

For salary of Book-keeper to the State Auditor, One Thousand Two Hundred Dollars.

For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars.

For office and traveling expense of State Auditor, Two Thousand Dollars.

Office of Attorney General.

For salary of Attorney General, Three Thousand Dollars.

For salary of First Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Second Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Third Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Law Clerk to Attorney General, One Thousand Eight Hundred Dollars.

For salary of Stenographer to Attorney General, One Thousand Two Hundred Dollars.

For office and traveling expenses of Attorney General, One Thousand Eight Hundred Dollars.

Office of Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction, Three Thousand Dollars.

For salary of Deputy Superintendent of Public Instruction

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Two Thousand One Hundred Dollars.

For salary of Clerk to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For salary of Stenographer to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For office and traveling expense of Superintendent of Public Instruction, One Thousand Seven Hundred Dollars.

Office of State Railroad Commissioners.

For salaries of the State Railroad Commissioners, Twelve Thousand Dollars.

For salary of Secretary of State Railroad Commission, Three Thousand Dollars.

For salary of Stenographer of Railroad Commission, One Thousand Two Hundred Dollars.

For office expenses, clerk hire and traveling expenses, of State Railroad Commissioners, Eight Thousand Eight Hundred Dollars.

For salary of State Examiner, Two Thousand Five Hundred Dollars.

For salary of First Assistant to State Examiner, Two Thousand One Hundred Dollars.

For salary of Second Assistant State Examiner, One Thousand Eight Hundred Dollars.

For salary of Clerk to State Examiner, One Thousand Two Hundred Dollars.

For office and traveling expenses and State Examiner, Three Thousand Dollars.

For purchase of steel filing cases, Three Hundred and Seventy-five Dollars.

For expense to meeting of National Association of Supervisors of State Banks, One Hundred Dollars.

Office of State Veterinarian.

For salary of State Veterinarian, Three Thousand Dollars.

For salary of Deputy State Veterinarian, One Thousand Eight Hundred Dollars.

For salary of Clerk to State Veterinarian, One Thousand Two Hundred Dollars.

For traveling and office expenses of State Veterinary Surgeon, Two Thousand Dollars.

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For traveling expense of the Deputy State Veterinarian, One Thousand Five Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

For salary of Commissioner, Two Thousand Five Hundred Dollars.

For salary of Chief Clerk, One Thousand Eight Hundred Dollars.

For salary of assistant clerk, One Thousand Eight Hundred Dollars.

For expenses of the Publicity Bureau, Five Thousand Dollars.

For office and traveling expense, Two Thousand Dollars.

State Boiler Inspector.

For salary of State Boiler Inspector, Two Thousand Five Hundred Dollars.

For salary of First Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary of Second Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary of Clerk, State Boiler Inspector, One Thousand Five Hundred Dollars.

For office and traveling expense State Boiler Inspector, Four Thousand Dollars.

Office of State Mine Inspector.

For salary of State Mine Inspector. Two Thousand Five Hundred Dollars.

For salary of Assistant State Mine Inspector, One Thousand Eight Hundred Dollars.

For office and traveling expense of State Mine Inspector, Two Thousand Dollars.

Office of Inspector of Coal Mines.

For salary of Inspector of Coal Mines. Two Thousand Five Hundred Dollars.

For office and traveling expenses One Thousand Five Hundred Dollars.

Office of Adjutant General.

For salary of Adjutant General, One Thousand Two Hundred Dollars.

For office and traveling expense Adjutant General, Five Hundred Dollars.

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National Guards.

For maintenance of the National Guards, Six Thousand Five Hundred Dollars.

State Board of Education.

For traveling expence of State Board of Education, One Thousand Five Hundred Dollars.

Consolidated Boards.

For salary of Clerk of Consolidated Boards, One Thousand Eight Hundred Dollars.

For office expence of Consolidated Boards, Three Hundred Dollars.

For extra clerical hire, Two Hundred Dollars.

For traveling expence of members of the Consolidated Boards, Five Hundred Dollars.

State Law Library.

For salary of Librarian, of the State Law Library, Two Thousand Dollars.

For maintenance and expence of the State Law Library, Eight Hundred Dollars.

For purchase of books for the State Law Library, Two Thousand Five Hundred Dollars.

State Historical Library.

For salary of Librarian, One Thousand Eight Hundred Dollars.

For salary of First Assistant, One Thousand Two Hundred Dollars.

For salary of Second Assistant, Nine Hundred Dollars.

For expence, Two Thousand Five Hundred Dollars.

For extra clerical hire Legislative Reference Department Three Hundred Dollars.

State Board of Horticulture.

For salary of Secretary of the State Board of Horticulture, One Thousand Dollars.

For expence Six Thousand Dollars.

Farmers Institute.

For expence Farmers Institute, Eight Thousand Dollars.

State Board of Examiners.

For salary of Clerk State Board of Examiners, One Thousand Eight Hundred Dollars.

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For salary of State Accountant for the Board of Examiners Eighteen Hundred Dollars.

For office expence of State Board of Examiners, One Hundred and Fifty Dollars.

For extra clerical hire Two Hundred Dollars.

For traveling expence of the members of the State Board of Examiners, One Thousand Five Hundred Dollars.

State Board of Health.

For salary of the Secretary of the State Board of Health Three Thousand Dollars.

For salary of Clerk of the State Board of Health, One Thousand Two Hundred Dollars.

For expence Three Thousand Dollars.

State Board of Charities and Reform.

For expence of State Board of Charities and Reform Three Hundred Dollars.

Bureau of Child and Animal Protection.

For salary of Secretary, Two Thousand Four Hundred Dollars.

For salary of First Assistant, One Thousand Eight Hundred Dollars.

For salary of Second Assistant, One Thousand Eight Hundred Dollars.

For salary of the Third Assistant, One Thousand Eight Hundred Dollars.

For salary of the Fourth Assistant, One Thousand Eight Hundred Dollars.

For salary of Stenographer, Nine Hundred Dollars.

For office and traveling expence, Two Thousand Four Hundred Dollars.

State Fair Association.

For Salary of Secretary of State Fair Association, One Thousand Two Hundred Dollars.

Office of State Engineer.

For salary of State Engineer Two Thousand Five Hundred Dollars.

For field and office expence Five Hundred Dollars.

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Transportation of Prisoners.

For Sheriff's transportation of prisoners to the penitentiary, Six Thousand Five Hundred Dollars.

For Public Printing, Seventeen Thousand Five Hundred Dollars.

For maintenance and care of Capitol Building and grounds, Twenty-five Thousand Dollars.

State Entomologist.

For expense of State Entomologist, Five Hundred Dollars.

For contingency expenses to be authorized by the State Board of Examiners, Two Thousand Five Hundred Dollars.

For salary of Acting Governor, Five Hundred Dollars.

For Sheep Inspection and Indemnity Fund, Ten Thousand Dollars.

For Stock Inspector and Detective Fund, Ten Thousand Dollars.

For Live Stock Sanitary Board Fund, Five Thousand Dollars.

Judicial Department.

For salary of Three Justices of the Supreme Court, Sixteen Thousand Dollars.

For salary of Clerk of the Supreme Court, Two Thousand Five Hundred Dollars.

For salary of Stenographer of the Supreme Court Two Thousand Four Hundred Dollars.

For compensation of the Justices of the Supreme Court, for services in reporting decisions, Four Thousand Five Hundred Dollars.

For salary of Marshal of the Supreme Court, One Thousand Two Hundred Dollars.

For salary of Attendant to Justices of the Supreme Court, One Thousand Two Hundred Dollars.

For expenses of Clerk of Supreme Court, Five Hundred Dollars.

For expenses of Judges sitting in place of other Judges, Two Thousand Dollars.

For expense of Court not otherwise provided for, Five Hundred Dollars.

For salary of District Judges, Seventy-Two Thousand Dollars.

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For salary of County Attorneys, Twenty-three Thousand, Five Hundred Dollars.

For printing Montana Reports, Two Thousand Seven Hundred Dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period ending February 28, 1911.

Executive Department.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Secretary, Two Thousand Four Hundred Dollars.

For salary of Governor's Stenographer, One Thousand Five Hundred Dollars.

For Governor's office and traveling expense, One Thousand Two Hundred and Fifty Dollars.

For requisitions, Two Thousand Dollars.

For rewards, One Thousand Five Hundred Dollars.

Office of Secretary of State.

For salary of Secretary of State, Three Thousand Dollars.

For salary of Deputy Secretary of State, One Thousand Eight Hundred Dollars.

For salary of Stenographer of Secretary of State, One Thousand Five Hundred Dollars.

For extra clerical hire of Secretary of State, Three Hundred Dollars.

For office expense of the Secretary of State, One Thousand Five Hundred Dollars.

Office of State Treasurer.

For salary of State Treasurer, Three Thousand Dollars.

For salary of Deputy State Treasurer, Two Thousand One Hundred Dollars.

For salary of Clerk to State Treasurer, One Thousand Eight Hundred Dollars.

For office expense and extra clerical hire, Six Hundred and Fifty Dollars.

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For salary of Stenographer, One Thousand Two Hundred Dollars.

For official bond of the State Treasurer, the sum of two Thousand Dollars.

Office of State Auditor.

For salary of State Auditor, Three Thousand Dollars.

For salary of Deputy Insurance Commissioner, Two Thousand One Hundred Dollars.

For salary of Stenographer of State Auditor, One Thousand Two Hundred Dollars.

For salary of Book-keeper to the State Auditor, One Thousand Two Hundred Dollars.

For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars.

For office and traveling expense of State Auditor, Two Thousand Dollars.

Office of Attorney General.

For salary of Attorney General, Three Thousand Dollars.

For salary of First Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Second Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Third Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Law Clerk to Attorney General, One Thousand Eight Hundred Dollars.

For salary of Stenographer to Attorney General, One Thousand Two Hundred Dollars.

For office and traveling expenses of Attorney General, One Thousand Eight Hundred Dollars.

Office of Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction. Three Thousand Dollars.

For salary of Deputy Superintendent of Public Instruction, Two Thousand One Hundred Dollars.

For salary of Clerk to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For salary of Stenographer to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

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For office and traveling expense, of Superintendent of Public Instruction, One Thousand Seven Hundred Dollars.

Office of State Railroad Commissioners.

For salaries of State Railroad Commissioners, Twelve Thousand Dollars.

For salary of Secretary of State Railroad Commission, Three Thousand Dollars.

For salary of Stenographer of Railroad Commission, One Thousand Two Hundred Dollars.

For office expenses, clerk hire and traveling expense of State Railroad Commissioners, Eight Thousand Eight Hundred Dollars.

Office of State Examiner.

For salary of State Examiner, Two Thousand Five Hundred Dollars.

For salary of First Assistant to State Examiner, Two Thousand One Hundred Dollars.

For Salary to Second Assistant State Examiner, One Thousand Eight Hundred Dollars.

For salary of Clerk to State Examiner, One Thousand Two Hundred Dollars.

For office and traveling expense of State Examiner, Three Thousand Five Hundred Dollars.

For expense to meeting of National Association of Supervisors of State Banks, One Hundred Dollars.

Office of State Veterinarian.

For salary of State Veterinarian, Three Thousand Dollars.

For salary of Deputy State Veterinarian, One Thousand Eight Hundred Dollars.

For salary of Clerk State Veterinarian, One Thousand Two Hundred Dollars.

For traveling and office expense State Veterinary Surgeon, Two Thousand Dollars.

For traveling Expense of Deputy State Veterinarian, One Thousand Five Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

For salary of Commissioner, Two Thousand Five Hundred Dollars.

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For salary of Chief Clerk, One Thousand Eight Hundred Dollars.

For office and traveling expense, Two Thousand Dollars.

State Boiler Inspector.

For salary of State Boiler Inspector, Two Thousand Five Hundred Dollars.

For salary of First Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary Second Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary of Clerk of State Boiler Inspector, One Thousand Five Hundred Dollars.

For office and traveling expense of State Boiler Inspector, Four Thousand Dollars.

Office of State Mine Inspector.

For salary of State Mine Inspector, Two Thousand Five Hundred Dollars.

For salary of Assistant State Mine Inspector, One Thousand Eight Hundred Dollars.

For office and traveling expenses of State Mine Inspector, Two Thousand Dollars.

Office of Inspector of Coal Mines.

For salary of Inspector of Coal Mines, Two Thousand Five Hundred Dollars.

For office and traveling expenses, One Thousand Five Hundred Dollars.

Office of Adjutant General.

For salary of Adjutant General, One Thousand Two Hundred Dollars.

For office and traveling expense of Adjutant General, Five Hundred Dollars.

National Guards.

For maintenance of the National Guards, Seven Thousand Dollars.

State Board of Education.

For traveling expenses of State Board of Education, One Thousand Five Hundred Dollars.

Consolidated Boards.

For salary of Clerk of Consolidated Boards, One Thousand

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Eight Hundred Dollars.

For office expense of Consolidated Boards, Three Hundred Dollars.

For extra clerical hire, Two Hundred Dollars.

For traveling expenses of the members of the Consolidated Board, Five Hundred Dollars.

State Law Library.

For salary of Librarian, of the State Law Library, Two Thousand Dollars.

For maintenance and expense of the State Law Library, Eight Hundred Dollars.

For purchase of books for the State Law Library, One Thousand Five Hundred Dollars.

State Historical Library.

For salary of Librarian, One Thousand Eight Hundred Dollars.

For salary of First Assistant, One Thousand Two Hundred Dollars.

For salary of Second Assistant, Nine Hundred Dollars.

For expense, Three Thousand Dollars.

For extra clerical hire, Legislative Reference Department, Three Hundred Dollars.

State Board of Horticulture.

For salary of Secretary of State Board of Horticulture, One Thousand Dollars.

For expense, Five Thousand Five Hundred Dollars.

Farmers Institute.

For expense Farmers Institute, Eight Thousand Dollars.

State Board of Examiners.

For salary of Clerk of State Board of Examiners, One Thousand Eight Hundred Dollars.

For Salary of State Accountant for the Board of Examiners, Eighteen Hundred Dollars.

For office expense of State Board of Examiners, One Hundred and Fifty Dollars.

For extra Clerical hire, Two Hundred Dollars.

For traveling expense of the members of the State Board of Examiners, One Thousand Five Hundred Dollars.

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State Board of Health.

For salary of Secretary of the State Board of Health, Three Thousand Dollars.

For salary of Clerk of the State Board of Health, One Thousand Two Hundred Dollars.

For expense, Three Thousand Dollars.

State Board of Charities and Reform.

For expense of State Board of Charities and Reform, Three Hundred Dollars.

Bureau of Child and Animal Protection.

For salary of Secretary, Two Thousand Four Hundred Dollars.

For salary of first Assistant, One Thousand Eight Hundred Dollars.

For salary of Second Assistant, One Thousand Eight Hundred Dollars.

For the salary of the Third Assistant, One Thousand Eight Hundred Dollars.

For the salary of the Fourth Assistant, One Thousand Eight Hundred Dollars.

For salary of Stenographer, Nine Hundred Dollars.

For office and traveling expense, Two Thousand Four Hundred Dollars.

State Fair Association.

For salary of the Secretary of the State Fair Association, One Thousand Two Hundred Dollars.

Office of State Engineer.

For salary of State Engineer, Two Thousand Five Hundred Dollars.

For field and office expenses, Five Hundred Dollars.

Transportation of Prisoners.

For Sheriff's Transportation of Prisoners to the Penitentiary, Seven Thousand Dollars.

For Public Printing, Seventeen Thousand Five Hundred Dollars.

For maintenance and care of the Capitol Building and grounds, Twenty-five Thousand Dollars.

State Entomoligist.

For expense of State Entomologist, Five Hundred Dollars.

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For contingency expenses to be authorized by the State Board of Examiners, Two Thousand Five Hundred Dollars.

For salary of Acting Governor, Five Hundred Dollars.

For sheep Inspection and Indemnity Fund, Ten Thousand Dollars.

For Stock Inspector and Detective Fund, Twenty Thousand Dollars.

For Live Stock Sanitary Board Fund, Five Thousand Dollars.

Judicial Department.

For salary of three Justices of the Supreme Court, Sixteen Thousand Dollars.

For salary of Clerk of the Supreme Court, Two Thousand Five Hundred Dollars.

For salary of Stenographer of the Supreme Court Two Thousand four hundred dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions, Four Thousand Five Hundred Dollars.

For salary of Marshall of the Supreme Court, One Thousand Two Hundred Dollars.

For salary of Attendant of the Justices of the Supreme Court, One Thousand Two Hundred Dollars.

For expense of Clerk of the Supreme Court, Five Hundred Dollars.

For expense of Judges sitting in place of other Judges, Two Thousand Dollars.

For expense of Court not otherwise provided for, Five Hundred Dollars.

For salary of District Judges, Seventy-two Thousand Dollars.

For salary of County Attorneys, Twenty-three Thousand, Five Hundred Dollars.

For printing Montana Reports, One Thousand, Eight Hundred Dollars.

Approved March 11, 1909.

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HOUSE BILL NO. 400.

"An Act making Appropriations for the State Institutions of Montana for the Period Ending February 28th, 1910, and February 28th, 1911."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects hereinafter expressed for the period ending February 28th, 1910.

For the maintenance of the Insane, One Hundred and Eighty thousand Dollars.

For the maintenance of the State Prison, One Hundred thousand Dollars.

For the maintenance of the Agricultural College, Thirty-eight thousand five hundred dollars.

For the maintenance of the Experimental Station of the Agricultural College, Twelve thousand five hundred Dollars.

For the erection and completion of a sheep barn, steer feeding barn, poultry building, livestock shed, and implement shed at the Experimental Station at Bozeman, Ten Thousand Dollars.

For the maintenance and repairs of the Reform School, Thirty-one thousand five hundred Dollars.

For the purpose of installing water supply and fire protection at State Reform School, Thirty-five hundred Dollars.

For the completion and equipment of Gymnasium at State Reform School, Fifteen hundred Dollars.

For establishment and maintenance department of Manual Training at State Reform School, Twelve thousand five hundred Dollars.

For maintenance of the School for Deaf, Blind and Feeble Minded, Forty-four thousand eight hundred Dollars.

For erection of system of water works at School of Deaf, Blind and Feeble Minded, Six Thousand Dollars.

For erection of Fire Escapes at School for Deaf, Blind and Feeble Minded, Two thousand six hundred Dollars.

For addition to engine house and laundry, building coal bunkers at School for Deaf, Blind and Feeble Minded, Four thousand seven hundred and fifty Dollars.

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For erection of dairy barn, poultry houses and fencing, Three thousand five hundred Dollars.

For maintenance and repairs State Normal School, Thirty-five thousand Dollars.

For maintenance and repairs State University, Sixty-seven thousand five hundred Dollars.

For furnishing and equipping Library Building at State University, Seven thousand five hundred Dollars.

For maintenance and repairs State School of Mines, Thirty-three thousand Dollars.

For establishment of dormitory and gymnasium, Fifteen thousand Dollars.

For maintenance and repairs Orphans Home, Thirty-one thousand Dollars.

For improvements Orphans Home, Eighteen thousand five hundred Dollars.

For maintenance and repairs Soldiers Home, Eighteen thou sand Dollars.

For maintenance State Fair, Twelve thousand Dollars.

For betterments State Fair, Five Thousand Dollars.

For maintenance Horticultural Substation, Ravalli County, One thousand two hundred and fifty Dollars.

For erection of farm house and buildings, Horticultural Substation, Ravalli County, Two thousand Dollars.

For purchase of farm implements, trees and other improvements Horticultural Substation, Ravalli County, One thousand Dollars.

For maintenance Dry Farm Substation, Fergus County, Two thousand Dollars.

For buildings, fencing, well, and other improvements at Dry Farm Substation Fergus County, Four thousand Dollars.

For purchase of horses and machinery for Dry Farm Substation, Fergus County, One thousand Dollars.

For dry farm investigation, Nine thousand Dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, for the objects hereinafter expressed, for the period ending February 28th, 1911.

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For maintenance of the Insane, One hundred and eighty-five thousand Dollars.

For maintenance of the State Prison, One hundred and seven thousand five hundred Dollars.

For the maintenance of the Agricultural College, Forty thousand Dollars.

For the maintenance of the Experimental Station of the Agricultural College, Twelve thousand five hundred Dollars.

For the maintenance and repairs of the Reform School, Thirty-one thousand five hundred Dollars.

For establishment and maintenance department of Manual Training at the Reform School, Five thousand Dollars.

For the maintenance of the School for Deaf, Blind and Feeble Minded, Forty-four thousand eight hundred Dollars.

For maintenance and repairs State Normal School, Thirty-seven thousand Dollars.

For the maintenance of the State University, Seventy thousand Dollars.

For the maintenance and repairs State School of Mines, Thirty-five thousand Dollars.

For maintenance and repairs Orphans Home, Thirty-Two thousand Dollars.

For maintenance and repairs Soldiers Home, Twenty thousand Dollars.

For maintenance State Fair, Twelve thousand Dollars.

For betterments State Fair, Five thousand dollars.

For maintenance Horticultural Substation, Ravalli County, One thousand two hundred and fifty Dollars.

For maintenance Dry Farm Substation, Fergus County, Two thousand Dollars.

For Dry Farm Investigations, Nine thousand Dollars.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

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HOUSE BILL NO. 11.

An Act to Appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-Five Thousand ($25,000.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 15, 1909.

HOUSE BILL NO. 12.

An Act making appropriation for the Incidental Expenses of the Eleventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 15, 1909.

HOUSE BILL NO. 13.

An Act to appropriate moneys for the payment of mileage and per diem for the Members of the Eleventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Forty-Five Thousand ($45,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds not otherwise appropriated, for the payment of mileage and per diem for the Members of the Eleventh Legislative Assembly of the State of Montana.

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Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 15, 1909.

HOUSE BILL NO. 387.

"An Act to Appropriate Moneys For The Payment Of Per Diem Of The Officers And Attaches Of The Eleventh Legislative Assembly Of The State Of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand ($1000.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage passage and approval.

Approved March 4, 1909.

HOUSE BILL NO. 28.

An Act making an Appropriation of Money for the State Orphans' Home, at Twin Bridges, Montana, for the Maintenance thereof for the Months of January and February, 1909.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Five Thousand Five Hundred Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the payment of salaries due and expenses necessarily incurred during the months of January and February, 1909, for the maintenance of the State Orphans' Home, at Twin Bridges, Montana, and that any balance of said appropriation, not so used, shall revert to the general fund.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1909.

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HOUSE BILL NO. 156.

"An Act Appropriating Money for the Payment of Deficiency Claims for Maintenance of the State University at Missoula, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not othrwise appropriated, for the payment of deficiency claims for maintenance of the State University at Missoula, Montana, such deficiency claims being allowed and approved by the State Board of Examiners.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved February 25, 1909.

SUBSTITUTE FOR HOUSE BILL NO. 10.

"An Act Appropriating Money For The Erection Furnishing and Equipment Of A Hospital At The Montana School For The Deaf Blind And Feeble Minded, At Boulder, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That the sum of Fifteen Thousand ($15,000.00) Dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the erection furnishing and equipment of a Hospital, at the Montana School for the Deaf Blind and Feeble Minded at Boulder, Montana.

Section II. That said sum of Fifteen Thousand ($15,000.00) Dollars is appropriatd for the fiscal year ending November. 30. 1910.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

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HOUSE BILL NO. 162.

"An Act Appropriating Money for the Erecting and Furnishing of a Woman's Dormitory at the Montana Agricultural College, at Bozeman, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty Thousand ($50,000.00) Dollars, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purpose of erecting and furnishing of a building at the Montana Agricultural College, at Bozeman, Montana, to be used for a Woman's Dormitory.

Section 2. That the above some of Fifty Thousand ($50,00.00) Dollars shall be appropriated for the fiscal year ending November 30th, 1910.

Section 3. The Executive Board of the Montana Agricultural College is authorized, empowered and directed, subject to the approval of the State Board of Education, to secure plans and to enter into contracts for erecting and furnishing the said building as provided in Section 1, of this Act, and to superintend and control the same while under construction.

Section 4. This Act shall be in full force and effect immediately after its passage and approval.

Approved March 12, 1909.

HOUSE BILL NO. 383.

"An Act to Appropriate Money to Pay the Expenses Incurred by the Committee Appointed to Investigate the Management of the State Fair."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the witness fees, stenographer fees, and other expenses incurred by the joint committee appointed to investigate the management of the state fair.

Section 2. The state auditor is hereby authorized to draw his warrant for all claims for expenses incurred in such investigation in favor of the person or persons entitled to the same

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upon such claims being approved by the state board of examiners.

Section 3. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved March 9, 1909.

HOUSE BILL NO. 393.

An Act Appropriating Money to Defray The Expenses Of A Joint Committee Appointed To Investigate The State Orphans Home At Twin Bridges, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eighty-one ($81.00) Dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses incurred by said Committee.

E. O. Selway	270 Miles	$27.00
S. W. Kelsey	270 Miles	27.00
H. C. Groff	270 Miles	27.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons named for the amounts set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1909.

HOUSE BILL NO. 394.

"An Act Appropriating Money to Defray The Expences Of A Joint Committee Appointed To Investigate The State Reform School At Miles City, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred and Eighty Five ($385.00) Dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses incurred by said Committee.

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John Edgerton	770 miles	$77.00
T. J. Hanifen	770 miles	77.00
T. J. Murray	770 miles	77.00
Geo. Metcalf	770 miles	77.00
J. M. Conrow	770 miles	77.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons named for the amounts set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1909.

HOUSE BILL NO. 234.

"An Act to Appropriate Money to pay the Per Diem and Mileage of Witnesses Called by the Joint Committee of the Eleventh Legislative Assembly, Appointed to Investigate the Affairs of the State Land Office, and to pay the expenses of Taking and Transcribing Testimony and Serving Subpoenaes in Said Investigation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of Twenty-five Hundred Dollars ($2500.00), or so much thereof as may be necesary to pay the per diem and mileage of witnesses, and the cost of taking and transcribing testimony, and other expenses incurred in the investigation of the State Land Office by the Joint Investigating Committee of the Eleventh Legislative Assembly.

Section 2. All claims in connection with the said investigation shall be certified to the State Board of Examiners, by the Chairman of the said Joint Investigating Committee, and for all such claims approved by the State Board of Examiners, the State Auditor is hereby authorized to draw his warrant for the respective amounts due the individuals presenting said approved claims.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1909.

HOUSE BILL NO. 390.

An Act Appropriating Money to Defray the Expenses of a Joint Committee appointed to Investigate the State Prison at Deer Lodge.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of $229.30 or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses incurred by said Committee.

J. E. Edwards,	234 miles,	$23.40
Chas. N. Kessler,	234 miles,	23.40
T. J. Norton,	234 miles,	23.40
John Hayes,	234 miles,	23.40
D. C. Maxwell,	234 miles,	23.40
F. A. Henderson, witness fees & mileage,		18.00
J. T. Laws, Secretary,		94.30

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons named for the amounts set down as shown in Section one, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1909.

HOUSE BILL NO. 140.

"An Act making Appropriation for the Board of Railroad Commissioners of the State of Montana for the Two Months Ending February 28, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are, hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the objects hereinafter expressed, for the two months ending February 28, 1909; provided, however, that no part of

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said appropriation shall be used except for the payment of salaries due, and expenses necessarily incurred, during said period, and any balance of said appropriation not so used shall revert to the general fund;

For salary of three railroad commissioners, two thousand dollars;

For salary of secretary to the railroad commission, five hundred dollars;

For salary of the rate clerk of the railroad commission, three hundred and thirty-three dollars and thirty-three cents;

For salary of the stenographer of the railroad commission, two hundred dollars;

For salary of the inspector for the railroad commission, three hundred dollars;

For contingent expenses necessarily incurred by the railroad commission, six hundred dollars.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 25, 1909.

HOUSE BILL NO. 208.

"An Act for Appropriating Money for the Restoration and Maintenance of Old Fort Benton."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand (1,000) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated, from any funds in the State Treasury not otherwise appropriated, for the purpose of aiding in the restoration and maintenance of the Old Fort Benton, located in the town of Fort Benton, County of Choteau, State of Montana.

Section 2. It is the duty of the Board of Trustees of Old Fort Benton to audit all bills for expenses incurred in the restoration and maintenance of said Old Fort, and when drawn against the fund hereby appropriated, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when so presented to said Board, the Auditor shall draw a warrant on the State Treasury in favor of the person or persons entitled to said several sums, payable out

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of the fund created by this appropriation.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

HOUSE BILL NO. 59.

An Act Appropriating Money For The Payment Of The Per Diem and Mileage of Certain Persons on Account of Services As Presidential Electors for The Year 1909.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-four and Eighty Hundredths ($94.80) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons, for the amounts set opposite their names, on account of per diem and mileage as Presidential Electors for the Presidential election of 1909, in accordance with the provisions of Sections 1469 and 1470, of the Political Code, To-wit;

Paul McCormick	$53.60
William Gallick	20.60
Chas S. Warren	20.60

Section 2. That the State Auditor is hereby authorized to draw his warrants in favor of the persons named and for the amounts set opposite their names in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 5, 1909.

SUB. FOR HOUSE BILL NO. 288.

"An Act to Appropriate Money out of the Fish and Game Fund for the Maintenance, and Operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909 and 1910."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the Fish and Game Fund, not otherwise appropriated in the

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State Treasury, the following sums of money for the following purposes, to-wit: The sum of Ten Thousand ($10,000.00) Dollars for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, for the years 1909; and the further sum of Ten Thousand ($10,000.00) Dollars for the maintenance and operation of said State Fish Hatchery for the year 1910.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 206.

"An Act Appropriating Money for the Payment of Salary due the State Veterinary Surgeon under the Law."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and there is hereby, appropriated from the general fund the sum of seven hundred and fifty dollars for the payment of the balance of salary due to the State Veterinary surgeon from the State of Montana, under and by virtue of the provisions of Section 1849 of the Revised Codes of Montana of 1907, the same being an Act passed and approved March 7, 1907.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant for said amount, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

SENATE BILL NO. 125.

An Act to Provide for the Payment of all liens and claim against the grandstand of the Montana State Fair.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of sixteen thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Treasury on Decem-

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ber 1, 1910, not otherwise appropriated, to pay off and discharge all liens and claims against the grand-stand of the Montana State Fair on account of the construction and erection of said grand-stand.

Section 2. The owners and holders of said liens and claims shall upon the passage of this Act present the same, properly verified, to the State Board of Examiners for allowance, and upon the approval of the same by the said Board it shall be the duty of the State Auditor to draw his warrants therefor respectively to the persons entitled thereto, and upon the presentation thereof to the State Treasurer he shall pay the same out of the funds hereby appropriated therefor.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1909.

SENATE BILL NO. 79.

An Act Appropriating Money for the Payment of the Expenses of Dr. H. T. Ricketts, when Investigating the Cause an and Cure of Spotted Fever.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Dollars ($6,000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the expenses to be incurred by Dr. H. T. Ricketts and assistants, when engaged, during two years 1909 and 1910 in investigating the cause and cure of Spotted Fever.

Provided that the investigation and all experiments made by said Dr. H. T. Ricketts be reported to the State Board of Health of the State of Montana and become a permanent record of said Board.

Section 2. The said H. T. Ricketts shall monthly make an account of his expenses, verified by affidavit to the State Board of Examiners, who shall in the manner provided by law, examine, and if found correct, allow the same.

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Section 3. The State Auditor is hereby authorized to draw his warrant in favor of the said H. T. Ricketts, for the amount so allowed by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Section 4. This act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12, 1909.

SENATE BILL NO. 96.

An Act Appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State Prison.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I.

That the claim of Powell County in the sum of Three Hundred and Seventy Eight dollars and thirty-five cents ($378.35) heretofore presented to the State Board of Examiners and Board of Prison Commissioners and by them approved, said claim being for costs incurred by said Powell County in the prosecution of one John Sullivan, then a prisoner in the State Prison, be and the same is hereby approved in said sum, and there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Three Hundred and Seventy Eight dollars and thirty-five cents ($378.35) to pay the said claim of Powell County.

Section II.

The State Auditor is hereby authorized and directed to draw a warrant in favor of the said Powell County above named in the amount specified in Section I of this Act, and the State Treasurer is directed to pay the same.

Section III.

This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

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HOUSE BILL NO. 107.

An Act Authorizing the Payment of Certain Bounty Claims and Appropriating Money from the State Bounty Fund for the Payment thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand, Four Hundred and Thirty-nine ($6439.00) Dollars be, and the same is hereby appropriated out of the State Bounty Fund, for the purpose of paying the following bounty claims which have been examined and approved by the State Board of Examiners as true and just claims against said fund, but not allowed by said Board because of technical defects therein:

Adams Wm. A.	$ 6.00
Adams W. H.	9.00
Adkins E. S.	3.00
Albee D. S.	3.00
Anderson E. C.	3.00
American National Bank	88.00
Anderson A. E.	36.00
Anderson & Co.	39.00
Anderson Andrew	3.00
Anderson Lewis L.	3.00
Anderson Spencer Manger Co.	15.00
Ash Sheep Co.	125.00
Ayotte, J. H.	24.00
Bair Jacob	6.00
Bank of Commerce	67.00
Bank of Boulder	82.00
Bank of Twin Bridges	45.00
Barclay Wm.	3.00
Barley John	37.00
Barnes Chas.	24.00
Baum R.	6.00
Beager A. G.	13.00
Beaver A. D.	30.00
Becklin Emil	21.00
Belt Hardware Co.	30.00
Bengston J. M.	13.00
Black Frank	12.00
Blair E. M.	25.00
Blessing J. J.	33.00
Bourne & Hamilton	165.00
Boodle John	12.00

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Britton Albert	3.00
Broadwater Arthur	12.00
Brookins Cy.	10.00
Bann Geo.	12.00
Buttleman Nick	47.00
Carlston M.	6.00
Carlson Oscar	18.00
Cale S. Fred	679.00
Cass R. L.	3.00
Chamberlin Chas.	3.00
Coates W. W.	6.00
Cogswell S. T.	48.00
Coller Albert	12.00
Collen Manasseh	3.00
Coldwell Wm.	12.00
Commercial Nat. Bank	24.00
Converse Henry	9.00
Corbly A. L.	3.00
Cowan G. H.	30.00
Cooper Ham	3.00
Cutler J. E.	33.00
Dawson B. F.	6.00
Davis Chas. F.	33.00
Dickie F. W.	15.00
Dillon S. R.	9.00
Dillon Implement Co.	60.00
Dolenty W. B.	6.00
Dover John A.	3.00
Doolittle Alfred	6.00
Ducello M. E.	58.00
Duke W. T.	33.00
Duke & Bosley	39.00
Duffy P. L.	23.00
Dunbar Frank	33.00
Durst Henry	6.00
Edwards L. C.	9.00
Edwards Wm.	6.00
Eliel Bros.	243.00
Elling State Bank	3.00
Emerson E. F.	39.00
Evans Mary C.	63.00
Evers Herman C.	3.00
Feiten J. W.	21.00
Fry A. H.	3.00
First Nat. Bank—(Glendive)	25.00

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First Nat. Bank—(Miles City)	18.00
Fitzgibbon J. J.	9.00
Fitzpatrick John	3.00
Fletcher Elmer	3.00
Floweree D.	26.00
Ford R. S.	93.00
Ford L. C. Jr.	3.00
Ford W. L.	3.00
Fournier B. O.	3.00
Frazer W.	6.00
Fulton Wm.	34.00
Garr Eugene H.	75.00
Gibson A. R.	10.00
Gilt Edge Merc. Co.	9.00
Gleed E. R.	3.00
Goff A. M.	78.00
Good H. C.	3.00
Goon Bert	94.00
Green W. H.	6.00
Griffin L. M.	12.00
Grosfield T. M.	9.00
Hagen Sever	12.00
Hammond H. H.	3.00
Hanson Lou. E.	18.00
Hane F. E.	10.00
Handel Bros.	9.00
Hand John	3.00
Hamilton J. C.	6.00
Harpster Thomas	18.00
Hauser Mark	30.00
Hatfield B. O.	6.00
Haymond Carl	3.00
Heide Adolf	28.00
Henson Louis	9.00
Henry Merrill	3.00
Hereim Martin	9.00
Herron Clarence	3.00
Hicks James	3.00
Hilger Wm.	6.00
Hirshberg Bros.	6.00
Hogan M. J.	12.00
Holmes Merrill	6.00
Holland R. J.	42.00
Hooker R. W.	10.00
Huller J. E.	9.00

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Huggins Burrell	3.00
Hume Archie	69.00
Hushe Wm.	3.00
Hohans Alois	63.00
Jacobs Herbert	3.00
Jacobs A. R.	69.00
Johnson Jim	15.00
Johnson Peter	3.00
Kolberg J. L.	24.00
Karuop J. H.	10.00
Kebschull Wm.	6.00
Kearns J. P.	54.00
Keller Bert	33.00
Kellog H. O.	3.00
Kollmar Wallie	6.00
Larabie Bros.	21.00
Lawson J. M.	204.00
Loffer Jesse	3.00
Long Walter	6.00
Long W. A.	13.00
Lossl Co. J. P.	12.00
Lyndes E. E.	15.00
Madison State Bank	9.00
Mailand M.	3.00
Marston Lea	6.00
Marohn Edward	9.00
Marvel Ralph	6.00
Meade J. E.	6.00
Medin Marco J.	9.00
Miles Bill & Bro.	69.00
Miles Thos. O.	30.00
Mitchell Alex	21.00
Mitchell Wm.	3.00
Moltz A. J.	15.00
Morrison C. E.	3.00
Morris Geo. L.	6.00
Murphy Joseph	3.00
Murphy J. B.	30.00
McAllister John	30.00
McCoy Pat	3.00
McCullack Chas.	13.00
McDonald Chas.	21.00
McGillvray James	6.00
McIntyre Horace	3.00
McKinster Harry	3.00

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McLeish A. E.	12.00
McLeod W. F.	30.00
McNamara & Marlow	6.00
McNamee Chas.	3.00
McNinch Warren	18.00
McQuerney John	12.00
McVey P.	12.00
Nelson John	21.00
Neild W. D.	12.00
Nesbit Sidney	15.00
Nevills James	24.00
Nickerson J. H.	33.00
Noble John T.	9.00
Nollar Wm.	6.00
Nordy Ke Wm.	12.00
Norton Wm.	9.00
O'Hara P. J.	6.00
Orgain W. A.	9.00
Pancast Caroline	34.00
Patterson Mary E.	39.00
Para Bart.	3.00
Payne Wm.	3.00
Peterson Ed.	3.00
Peyton J. B.	12.00
Polk M. G.	39.00
Poor J. R.	6.00
Quinn John	3.00
Rader Wilber	3.00
Rightenour Arthur	3.00
Roe, E. B.	6.00
Ryan Dan	12.00
Reese Peter	9.00
Schmauch Pete	3.00
Schultz F. S.	6.00
Scheuber F. A.	16.00
Schroeder Henry	3.00
Selway Delos	61.00
Sheser Samuel B.	3.00
Shisler H.	68.00
Smelser Thomas	34.00
Smith L. C.	6.00
Smith F. M.	6.00
Smith John E.	6.00
Smith Leo.	3.00
Smith Lee	15.00
Spaulding Howard	3.00

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Spencer A. S.	45.00
Sprague R. H.	19.00
State Bank of Belt	10.00
State Bank of Terry	12.00
State National Bank	85.00
St. Pierre Edmond	6.00
Stewart Jas. H.	3.00
Stevenson A. M.	85.00
Stockmens Nat. Bank	168.00
Survant John	45.00
Tarrant Chas.	12.00
Theade John	15.00
Tibbles Walter	15.00
Tice Thos. H.	12.00
Towns W. E.	3.00
Topel & Bro. H.	72.00
Trinler Mrs. J. W.	3.00
Turner Henry C.	21.00
Union Bank & Trust Co.	24.00
Uleand Arne	30.00
Van Nay N. K.	29.00
Walker H. C.	6.00
Wanderer Ralph	6.00
Weaver W. H.	3.00
Webster R. E.	45.00
Weisner Louis	3.00
Weinstein H.	54.00
Wetzstean Geo.	6.00
Whitehall State Bank	6.00
Whitmir J. R.	3.00
White R. W.	3.00
Williams Walter	9.00
Williamson E. E.	6.00
Winters N. W.	3.00
Worden Donovan	91.00
Wood C. L.	87.00
Wylie Clinton W.	12.00
Zimmerman J. B.	10.00
Ostrum Friend	19.00
Aakjir H. J.	6.00
Border John D.	6.00
Commercial Nat. Bank	45.00
Sheridan Phil.	3.00
Sparr C. W.	3.00
Sparr Chas.	3.00

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Topel H. & Bro. 219.00

$6439.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amount set opposite their names as shown in Section 1, of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1909.

HOUSE BILL NO. 87.

"An Act for the Appropriation of Money to Pay the Bounty Claim of a Certain Person."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred and Fifty-six ($656.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Bounty Fund not otherwise appropriated, to pay the following person to-wit:

S. Fred Cale $656.00

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named for the amount set opposite his name as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 26, 1909.

HOUSE BILL NO. 365.

"An Act Appropriating Money for the Payment of Lost Bounty Claims."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four ($24.00) Dollars, or so much thereof as may be necesary, be, and the same is hereby appropriated out of any moneys in the State Bounty

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Fund not otherwise appropriated, to pay the claim of the Bank of Twin Bridges, on account of lost bounty claims.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the Bank of Twin Bridges for the sum of Twenty-four ($24.00) Dollars and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 366.

"An Act Appropriating Money for the Payment of Bounty Claims not Executed in legal Form."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Forty Eight ($48.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Bounty Fund not otherwise appropriated, to pay the Bounty Claims of John Survant amounting to the sum of Forty Eight ($48.00) Dollars on account of bounty claims not executed in legal form.

Section II. The State Auditor is hereby authorized to draw his warrant on the State Bounty Fund in favor of John Survant for the sum of Forty Eight ($48.00) Dollars and the State Treasurer is directed to pay the same.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 321.

"An Act to Appropriate the sum of Five Hundred and Seventy Dollars, to Pay the Cut Bank Mercantile Company Certain Bounty Claims upon Certain Coyote Scalps, Lost in Transmission to the County Clerk of Teton County, Montana, during the year 1908."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Whereas, during the year 1908, the following

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named persons killed coyotes within the State of Montana, upon which they were entitled to recover a bounty from the State of Montana of Three Dollars each, to-wit:

	Number.	Amount.
Sun Child	59	$51.00
Four Talk	60	57.00
Noisy Dancer	61	45.00
Eagle Child	62	39.00
John Chepeaa	63	18.00
Young Boy	65	51.00
Bear Walker	66	33.00
John Chippeaa	68	60.00
Little Boy	69	18.00
Eli Adams	50	18.00
Small Boy	51	48.00
Guss Jackson	52	30.00
Big Rock	53	36.00
Willie Cobell	58	66.00

Wheareas, the said persons duly presented the scalps taken from the coyotes so killed, to the Bounty Inspector at Cut Bank, Montana, to be punched, and the said scalps were, by the said Inspector duly punched, as required by law, and upon proper affidavits being made, the said Inspector duly issued to the said bounty claimants the certificates provided by law therefor; and,

Whereas, the said claimants, for a valuable consideration, duly sold, assigned and transferred the said bounty certificates, together with the scalps of the coyotes so killed, as aforesaid, after having been punched as aforesaid, to the Cut Bank Mercantile Company, and the same together with said certificates were, by the said Cut Bank Mercantile Company, sent to the County Clerk and Recorder of Teton County, Montana, at Chouteau, Montana; and the said scalps were lost by the stage in transit, on account of the extreme high water; and,

Whereas, the said scalps having been punched, and having had certificates issued thereon, are worthless to any and all persons, except the said Cut Bank Mercantile Company; and

Whereas, the said County Clerk of Teton County, Montana, in which County the said coyotes were killed, refuses to certify to the said claims of the said parties above named, on account of the loss of the said coyote scalps; and without such certifi-

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cates the claimant is unable to collect the bounty thereon;

Now, there is hereby appropriated out of any moneys in the State Bounty Fund of the State of Montana, not otherwise appropriated, the sum of Five Hundred and Seventy Dollars, to pay the said bounty claims of the said Cut Bank Mercantile Company.

Section 2. The State Auditor is hereby authorized and directed to draw his warant in favor of the said Cut Bank Mercantile Company, in the sum specified in this Act therefor.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 397.

"An Act Appropriating Money For The Payment Of The Claim Of Certain Persons For Expenses Incurred In Transporting Prisoners To The Penitentiary During The Years 1908 and 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Nine Hundred and Ten Dollars and Thirty Cents ($2910.30) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for expenses incurred in transporting prisoners to the Penitentiary during the years 1908 and 1909:

F. S. Bachelder	$ 31.10
John A. Collins	97.20
Hugh B. Campbell	8.40
O. A. Tallong	21.85
T. J. Fleming	7.60
M. G. Gist	36.20
O. C. Gorman	13.10
Robt. Guy	49.25
Ed. Hogan	67.20
Chas. Henderson	63.10
Martin Higgins	25.45
C. L. Kadell	35.45
Edwin Martin	37.70
Edwin Martin	55.35

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Edwin Martin	34.65
Harry McCue	48.65
Frank McDonald	102.20
Frank McDonald	65.50
Frank McDonald	35.75
W. H. McConnell	117.45
James O'Keefe	8.10
James O'Keefe	8.10
J. C. Orrick	79.60
J. K. O'Rourke	39.10
E. M. Reynolds	614.10
W. E. Savage	57.90
J. A. Shoemaker	24.40
J. A. Shoemaker	14.20
J. A. Shoemaker	11.45
S. C. Small	53.05
Geo. L. Williams	150.80
James O'Keefe	8.10
J. C. Orrick	83.95
J. C. Orrick	44.40
E. M. Reynolds	463.50
K. McKenzie	36.20
Frank McDonald	117.00
Phill F. Buckley	37.60
Geo. L. Williams	44.05
Martin L. Higgins	12.05
Harry McCue	49.50

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amounts set down opposite their names as shown in Section 1. of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

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HOUSE BILL NO. 36.

"An Act Appropriating Money for the Payment of the Claim of Julius Barney for Services Rendered as Paymaster in Paying to the Spanish-American War Veterans the Back Pay due them for Services between the Time of Enrollment and Mustering into Service."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven hundred and fifty dollars ($750.00) be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Julius Barney for services rendered as paymaster, under the Governor of the State of Montana, in paying to the veterans of the Spanish-American War the amount of pay due them for service rendered by them from the time of enrollment until they were mustered into service.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named for the amount set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 5, 1909.

HOUSE BILL NO. 104.

"An Act Appropriating Money for the Payment of Certain Notary Public Fees Erroneously collected."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen ($15.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following Notary Public Fees erroneously collected:

R. Irene Harris	$7.50
Rene O. Arnold	7.50
	$15.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named

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and for the amount set opposite their names as shown in Section 1, of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1909.

HOUSE BILL NO. 242.

"An Act Appropriating Money for the Payment of Deficiency Claims On Account of Capitol Building and Grounds, Maintenance and Care."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand ($4,000.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of deficiency claims on account of the Capitol Building and Grounds and Maintenance and care.

Section 2. And the State Auditor is hereby authorized to draw his warrants in an amount not to exceed Four Thousand (4,000.00) Dollars for the purposes mentioned in Section 1. of this act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1909.

HOUSE BILL NO. 90.

"An Act to Appropriate Thirty-one Thousand Dollars for the Payment of the Deficiency Claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the Two Years Expiring March 1, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-one Thousand Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane

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Asylum for the two years expiring on March 1, 1909.

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amount as shown in section one of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1909.

HOUSE BILL NO. 215.

"An Act Appropriating Money for the Payment of Deficiency Claims for Expense of the State Auditor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred ($200.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay deficiency claims on account of expense of State Auditor up to and including March 1st 1909.

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons holding deficiency claims on account of expense of State Auditor including March 1st, 1909, in an amount not exceeding Two Hundred ($200.00) Dollars and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

HOUSE BILL NO. 322.

"An Act to Appropriate Money for the Payment of Deficiency Claims of the State Deaf and Dumb Asylum Incurred During the Year Ending February 28, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and there is, hereby appropriated out of any moneys in the State Treasury to the credit of the General Fund not otherwise appropriated, the sum of Eleven Thousand Eight Hundred and Seventy-five Dollars, for the

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purpose of paying certain deficiency claims of the State Deaf and Dumb Asylum incurred in its maintenance during the year ending February 28, 1909.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation to, and approval by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1909.

HOUSE BILL NO. 343.

"An Act to Appropriate Money for the Payment of Deficiency Claims of the State Prison during the Year ending February 28, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated out of any moneys in the state treasury to the credit of the general fund, not otherwise appropriated, the sum of Nine Thousand Dollars ($9,000.00), or so much thereof as may be necessary for the purpose of paying certain deficiency claims of the state prison incurred in its maintenance during the year ending February 28-1909.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made, upon presentation to and approval by the state board of examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 362.

"An Act Appropriating Money for the Payment of Deficiency Claims Of Certain Persons For Services Rendered and Supplies Furnished The State Orphans Home At Twin Bridges, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Nine Hundred and Twenty-eight Dollars and Thirty-three cents ($1928.33) or

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so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the deficiency claims for the following named persons for services rendered and supplies furnished the State Orphans Home at Twin Bridges, Montana.

Mrs. T. J. Lowman	$ 35.00
Alice M. Wiles	35.00
Frances Russell	35.00
Wiley Mountjoy	125.00
Cora Gilbert	30.00
Mrs. A. Desmeris	30.00
Sarah Burden	30.00
M. S. Gould	70.00
Mrs. John Erickson	40.00
Jacob Sayger	40.00
R. Tovey	50.00
D. S. Taylor	14.20
Arthur Jordan	12.00
Ora Hannah	29.85
Hennessey Mercantile Company	65.97
Cash Drug Company	41.95
W. J. Galahan	31.62
Mrs. Wiley Mountjoy	50.00
John F. Dallea	691.00
Western Mining Company	46.78
Anderson & Evans	325.66
Byron Cunnard	16.70
Rocky Mountain Bell Telephone Co.	29.20
Rocky Mountain Bell Telephone Co.	18.40
Lydia Emerson	35.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amount set opposite their names as shown in Section 1. of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval, by the Governor.

Approved March 9, 1909.

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HOUSE BILL NO. 363.

"An Act Appropriating Money for the Payment of Deficiency Claim on Account of the Montana State Reform School."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred and One ($601.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the deficiency claim of Miles and Ulmer amounting to Six Hundred and One ($601.00) Dollars for supplies furnished the Montana State Reform School.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of Miles and Ulmer for the sum of Six Hundred and One ($601.00) Dollars and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 367.

"An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the state fish hatchery at Anaconda, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and twenty-four dollars and eighty-three cents ($124.83) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the fish and game fund not otherwise appropriated to pay the deficiency claim of C. F. Healea for supplies furnished the state fish hatchery at Anaconda, Montana.

Section 2. The state auditor is hereby authorized to draw his warrant on the fish and game fund in favor of C. F. Healea for the sum of one hundred and twenty-four dollars and eighty-three cents ($124.83) and the state treasurer is directed to pay the same.

Section 3. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1909.

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HOUSE BILL NO. 368.

"An Act Appropriating Money for the Payment of a Deficiency Claim for Services Rendered and Supplies Furnished the Montana State Fair Association during the Year 1908."

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That the sum of Six Thousand Seven Hundred and Six Dollars and Six Cents ($6706.06) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay deficiency claims for services rendered and supplies furnished the Montana State Fair Association during the year 1908.

Section II. The State Auditor is hereby authorized to draw his warrants in an amount not exceeding the sum of Six Thousand Seven Hundred and Six Dollars and Six Cents ($6706.06) and the State Treasurer is directed to pay the same.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 378.

An Act appropriating money for the payment of deficiency claims for the Maintenance of the National Guard, authorized by the State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

That the sum of Five hundred Dollars ($500.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the deficiency bills necessarily incurred in the Maintenance of the National Guard, as authorized and allowed by the State Board of Examiners.

Appropriated March 9, 1909.

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HOUSE BILL NO. 391..

"An Act Appropriating Money for the Payment of the Deficiency Claim for salary of the members of the Supreme Court and the District Judges of the State, for the quarter Ending February 28, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salary of the district judges of the State of Montana for the quarter ending February 28, 1909.

Section 2. That the sum of Eight Hundred Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the salaries of the members of the supreme court for the quarter ending February 28, 1909.

Section 3. The State Auditor is hereby authorized to draw his warrants in favor of the persons provided for in sections one and two, for such amounts as are necessary to pay the balance due on their respective salaries for the quarter ending February 28, 1909.

Section 4. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved March 9, 1909.

HOUSE BILL NO. 395.

An Act Appropriating Money for the Payment of the Deficiency claim for salary of the State Superintendent of Public Instruction of the State for the Quarter Ending February 28, 1909.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred twenty-five dollars, be, and the same is, hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the salary of the State Superintendent of Public Instruction of the state of Montana for the quarter ending February 28, 1909.

Section 2. The state auditor is hereby authorized to draw

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his warrant in favor of the person provided for in section one to pay the balance due on his salary for the quarter ending February 28, 1909.

Section 3. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved March 9, 1909.

HOUSE BILL NO. 401.

"An Act Appropriating Money to Meet and Pay Deficiency Claims for Public Printing for the Year Ending February 28th, 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Two Thousand, Five Hundred and Sixty-five ($2565.00) Dollars or so much thereof as may be necessary to meet and pay the claims for public printing during the year ending February 28, 1909.

Section 2. That such claims shall be presented to the State Board of Examiners and be by it first audited and approved, and that thereupon the State Auditor shall draw his warrant in payment of the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1909.

HOUSE BILL NO. 106.

An Act Appropriating Money for the Payment of Deficiency Claims, Account Requisitions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twelve hundred and Eight Dollars and Ninety-seven cents ($1208.97), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following requisition claims of Sheriffs for the transfer of prisoners:

E. M. Reynolds. $273.95

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T. J. Fleming.. .. .. 149.85
Andrew Larson.. .. .. 397.00
J. A. Shoemaker.. .. .. 224.37
James McAllister.. .. .. 163.80

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amount set down opposite their names as shown in Section 1, of this Act, and the Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its pasage and approval.

Approved February 16, 1909.

HOUSE BILL NO. 320.

An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred ($100.00) Dollars be and the same is hereby appropriated to pay, in accordanc with Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Title I, Chapter II, Article V of the Political Code of the State of Montana, as follows to-wit:

Nathan Godfred, Secretary of Montana, $50.00
Chas. Z. Pond, Chief Clerk of the House, 50.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Nathan Godfrey and Chas. Z. Pond, for the sum of Fifty ($50.00) Dollars respectively and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval by the Governor.

Approved March 8, 1909.

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SENATE CONCURRENT RESOLUTION NO. 1.

WHEREAS the National Rivers and Harbors Congress has asked that provision be made for five hundred million dollars to be expended for the development of the navigable Waterways of the United States and,

WHEREAS it has been publicly announced by a high and well informed official of the United States that a sum of about two hundred and seventy-five millions of dollars has already been appropriated and authorized to be expended upon works now undertaken and to be hereafter completed on the Rivers and Harbors of the United States and,

WHEREAS none of said two hundred and seventy-five millions of dollars is being expended on the sixteen hundred miles of the navigable Missouri River above Sioux City and,

WHEREAS the report of the Board of Engineers for Rivers and Harbors recommends the improvement of the Missouri River below Sioux City, (which is concurred in by the United States Engineers) and it's estimate provides for the general improvement of the Missouri River below Sioux City, Ia., of which sum two million dollars is to be expended annually upon the Missouri River from Kansas City to St. Louis, and,

WHEAREAS no estimates have been made for the general improvement of the Missouri River above Sioux City, Ia., or the Yellowstone River or the Red River of the North, and,

WHEREAS no money is being expended nor has provision been made to expend any part of the aforementioned forty-two million five hundred dollars within the states of North Dakota, South Dakota and Montana, and

WHEREAS the United States Engineer's estimate submitted to the Chief of Engineers and through him submitted to the present Congress, makes practically no provision for any expenditure for the improvement or snaging of the Upper Missouri River above Sioux City or the Yellowstone River in North Dakota and Montana, and

WHEREAS Commerce carried on these streams during the year 1908 in the localites mentioned exceeds that of the Missouri River below Sioux City.

NOW THEREFORE BE IT RESOLVED by the Senate, the House of Representatives concurring, that our Senators and

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Representative in Congress be requested to immediately obtain proper estimates through the War Department of the requirements for the permanent, general improvement of the Missouri River between Sioux City, Ia., and Ft. Benton, Mont., and the Yellowstone River between its mouth and Terry, Mont., and on the Red River of the North between Fargo, N. D., and the International Boundary Line and for the specific improvement and the revetment of the River banks at several points, namely:—in the vicinity of Judith, Frazier and Mondak, Mont., and other places where caving banks menace river craft and destroy the channel, and that they be requested to obtain suitable appropriations from the present Congress wherewith to make these specific improvements promptly and in the event of there being no River and Harbor bill, they be requested to secure adequate appropriations for these specific improvements, through some other measure, so as to maintain the channel of these rivers for the purpose of protecting and providing for the present and continually increasing Commerce thereon.

RESOLVED that a certified copy of this resolution be sent to our Senators and Representative in Congress.

Approved March 6, 1909.

CONCURRENT RESOLUTION NO. 2.

Relating to the creation of Glacier Park. Whereas, a Bill has been introduced in the Senate of the United States by the Honorable Thomas H. Carter creating a National Park to be known as Glacier Park in Flathead County, State of Montana, and

Whereas, the scenery in said proposed park is acknowledged by the most experienced travelers to be among the most beautiful in the world, and

Whereas, it is highly desirable that this beautiful country be maintained in its natural condition and solely under the control of the United States Government, therefore be it

Resolved, by the Senate and the House of Representatives of the State of Montana, that the Congress of the United States, be, and is hereby petitioned to enact into a law the Bill introduced by Senator Carter for the creation of Glacier Park.

Approved February 18, 1909.

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SENATE JOINT MEMORIAL NO. 5.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled.

Whereas, it was the manifest intention of Congress when the territory of Montana was admitted into the union as a state to set aside and donate public lands to aid in the establishment of all public institutions, following a long established precedent; and

Whereas, through oversight and inadvertance no donation was made on account of the state penitentiary, the state asylum for the insane nor the Orphan's Home, as was the case in other states.

Now Therefore be it Resolved: that we, your memoralists petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the state of Montana 150,000 acres in aid and on account of the state penitentiary of Montana; 150,000 acres in aid and on account of the asylum for the insane and 150,000 in and on account of the Orphan's Home.

Be it Further Resolved: that the Secretary of the State be and is hereby instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our senators and representatives in Congress.

Approved March 10, 1909.

SENATE JOINT RESOLUTION NO. 6.

WHEREAS the present postal divisions of the Railway Mail Service now established in the Northwest are of that size that proper and convenient consideration cannot be given to all of the territory, the same being composed of part of the Eighth and part of the Tenth R. M. S. Divisions, the headquarters of the former being at San Francisco, Cal. and the latter at St. Paul, Minn. and,

WHEREAS it appears from all of the evidence at hand that it would be extremely desirable that a third divsion be formed of portions of the said two divisions, to-wit, Alaska, Oregon, Idaho, Washington and Montana, the same to constitute Railway

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Mail Service Division No. 13.

THEREFORE, We, the Senate, the House concurring most earnestly and respectfully pray that an Act of Congress be passed creating a new Division of the Railway Mail Service consisting of the States of Oregon, Washington, Idaho and Montana and the Territory of Alaska, and

The Secretary of State of Montana is hereby directed to send a copy of this petition to the Congress of the United States.

Approved March 6, 1909.

SENATE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 6.

To the Honorable Senate and House of Representatives in Congress Assembled:

Whereas, a bill was passed by Congress providing for the classification of the mineral lands in the Northern Pacific Land grant and where, a classification was pretended to be made by certain officials known as mineral land commissioners and,

Whereas, investigation of the work of such mineral land commissioners by special field officials of the Interior department discloses the fact that said former so-called mineral land classification was unscientific, worthless and made without full knowledge of the lands within the Northern Pacific Land grant, and to the detriment of the government and public and,

Whereas, such investigation as shown, such pretended classification to be inaccurate and devoide of merit,

Whereas, as a result of an investigation by the Interior department of less than fifty percent of the complaints so far made nearly twenty thousand acres of mineral land has been restored to the Government and,

Whereas, a proper and just classification of the mineral land of Montana is of vital interest to the miners and prospectors of the State and involves mineral lands of untold millions of value,

Now, Therefore, Be it Resolved by the Legislative Assembly of the State of Montana, the Senate concurring, that we humbly petition and request of the National Congress that it pass an act providing for a just, honest and through mineral reclassification of all lands of the State of Montana within the Northern Pacific land grant.

Approved March 4, 1909.

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HOUSE CONCURRENT RESOLUTION NO. 2.

Relating to application by the institutions of higher education of the State of Montana for admission to the benefits of the retiring allowance system of the Carnegie Foundation for the Advancement of Teaching.

WHEREAS, the State Board of Education has given its approval to applications by this State's institutions of higher education for admission to the benefits of the retiring allowance system of the Carnegie Foundation for the Advancement of Teaching.

AND WHEREAS, The results of the operation of the said system, "which is an educational agency and not a charity," will be beneficent in protecting the old age of unselfish public servants and in increasing the efficiency and in upholding the standards of Montana's institutions of higher education;

AND WHEREAS, The Trustees of the said Foundation have made the consent of State Legislatures a necessary condition for the admission of State Institutions to the benefits of the foundation;

BE IT RESOLVED, by the Senate and House of Representatives of the State of Montana; That the State of Montana hereby authorizes the acceptance of all the rights and privileges of the Carnegie Foundation for the advancement of teaching, on behalf of the State's said institutions of higher education, by the State Board of Education and by their several boards or trustees.

Approved March 3, 1909.

HOUSE JOINT MEMORIAL NO. 4.

THE HONORABLE

Senate and House of Representatives in Congress of the United States Assembled:

WHEREAS: We believe it to be to the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the nation at large, that the Crow Reservation should be speadily opened for settlement and all Indian rights adjusted;

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NOW THEREFORE, Be it Resolved, the Senate concurring, that we, the Eleventh Legislative Assembly, of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to at as early a date as practicable open for settlement the lands embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana.

RESOLVED, Further: That a copy of this memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 17, 1909.

HOUSE JOINT RESOLUTION NO. 5.

Be it Resolved by the House of Representatives of the State of Montana, the Senate Concurring:

THAT WHEREAS, the subject of improvement of waterways by the federal government for the purpose of navigation, and the promotion of commerce thereby, is of vital importance to the whole people, and

WHEREAS, the policy of such improvement and promotion is not confined to any political party but is one which has been emphatically endorsed by all parties and their representatives and by all the prominent statesmen of the country, and

WHEREAS, said policy arose out of necessity for larger facilities for prompt, universal and cheapened carriage of the subjects of commerce, which policy demands, to those ends, the greatly enlarged use of natural waterways as well as the building of artificial waterways in various localities, and

WHEREAS, such improvement of the whole country is for the benefit of the people everywhere and to inland towns as well as to those located on waterways, and,

WHEREAS, there exists in the more westerly sections of the country and elsewhere various organizations created and in active operation for the purpose of promoting the above stated

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ends, one of which organizations, more particularly devoted to bringing about the systematic improvement of the Missouri River on both its upper and lower reaches, for the purpose of navigation and greatly increasing the facilities of operating boats thereon in trade and commerce, is the Missouri River Navigation Congress, and the purposes of said organization are of great interest and benefit to the people of the Missouri River Valley at large and particularly to the Missouri and Yellowstone Valleys within the State of Montana; therefore,

BE IT RESOLVED, that the State of Montana is vitally interested in, and hereby through her legislature heartily endorses the issue and the policy of improvement of internal waterways throughout the United States, including the Missouri River and its navigable tributaries, the building of the deep waterways canal from Lake Michigan to the Gulf of Mexico, and the deepening of the channel of the Missouri River and the Mississippi to render such canal more practicable and useful for large lines of commerce of the west and south, and the systematic improvement of the upper Missouri as part of the general process, thereby bringing the seaboards, east and south, practically much nearer the Missouri Valley and to Montana producers, merchants, and consumers, which improvements will result in materially cheapening and accelerating the carriage of commodities in this State and the northwest at large, and of increasing the value of our products in the markets of the world.

RESOLVED, that the State of Montana and her citizens will encourage in all proper ways the work of the Missouri River Navigation Congress.

RESOLVED, that Montana, the upper Missouri River State, the source of the river and representing the greatest reach of said river, among the seven states represented by said Missouri River Navigation Congress, sends greeting to each and all of the other states represented in said organization, and asks their united co-operation in common with the State of Montana, whose co-operation is hereby pledged, in the promotion of the purposes of said organization, and of the affiliated organizations of the west and south. That we favor an intelligent and comprehensive plan of improvement of the Missouri River and its

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navigable tributaries and other commercial waterways, and a faithful and economical expenditure of moneys by the federal government to those ends, and pursuant to such plans.

RESOLVED, that we urgently request the Montana delegation in congress to co-operate in bringing about, by the present and next congress, such reasonable appropriations for internal waterways improvement for the purpose of navigation, including the Missouri River and her navigable tributaries, as will be adequate to effectuate substantial progress to such improvements as soon in future as proper plans for such outlay can be adopted.

Approved March 8, 1909.

HOUSE JOINT RESOLUTION NO. 6.

WHEAREAS; It appears contrary to the best interest of society and to the State of Montana that the prisoners confined in the State Prison should not be Engaged in Some Sort of Work or Employment; and,

WHEREAS; If such prisoners were given suitable work or employment during their period of imprisonment it would tend greatly to their reformation and be conducive not only to the welfare of such prisoners but also that of society at large; and,

WHEREAS; If said prisoners are given suitable work and employment of some kind the same would give the State a source of revenue and thus greatly reduce, if not altogether pay, the fixed charges and expense for the a maintenance of the said State Prison, with the resulting relief and benefit to the taxpayers.

NOW, THEREFORE, BE IT RESOLVED; that the Senate concurring, that the State Board of Prison Commissioners be instructed and directed to devise ways and means and make provision for the manufacture of binding twine, jute, and burlap bagging and bags by the prisoners confined in the State Prison, and that any employment or work so furnished shall not in any maner interfere with or enter into competition with organized labor in the State of Montana.

Approved March 6th, 1909.

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HOUSE JOINT RESOLUTION NO. 8.

WHEREAS; The Billings Polytechnic Institute, an Institution of learning established at the City of Billings, in Yellowstone County, Montana, is desirous of securing certain lands now owned, held, and possessed by the State of Montana for educational purposes and for the advancement of high arts and sciences; and,

WHEREAS; said institution is public in character and is intended to promote education and sciences in the State of Montana; and,

WHEREAS; It has been proposed by the managers of said institution to erect magnificent buildings and to permanently establish said institution near the said City of Billings; and,

WHEREAS; Certain lands now owned by the State of Montana are eminently fitted and desirable to be owned and possessed by said institution upon which to erect its necessary buildings for the conduct of educational work and the promotion of the sciences; and

WHEREAS; said lands belong to the state by virtue of an exchange made of a certain tract of land heretofore held and owned by the State for penitentiary purposes, and embrace in all a tract of twenty acres, particularly described as follows; to-wit:

The South one-half of the southeast one-quarter of the Southeast one-quarter of Section five, township one south, of range twenty-six east; and

WHEREAS; said institution will be of great and lasting benefit to the State of Montana and should be by said State aided and assisted in its undertaking as far as possible;

NOW, THEREFORE, BE IT RESOLVED, the Senate Concurring; that the State Board of Land Commissioners be instructed and directed to sell unto said Billings Polytechnic Institute the lands hereinabove described at the minimum price of Ten Dollars ($10.00) per acre.

Approved March 4th, 1909.

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HOUSE JOINT RESOLUTION NO. 13.

WHEREAS in the month of October, 1908, Charles B. Peyton was shot and killed by Indians while in the discharge of his duty as Deputy Game and Fish Warden, and

WHEREAS, by his death his wife and three small children are left without support, and

WHEREAS, in recognition of the service rendered the State by Charles B. Peyton there is due to those who were dependent upon him some means of support, therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the State Game and Fish Warden appoint Mrs. Chas. B. Peyton, wife of Chas. B. Peyton, deceased, Deputy Game and Fish Warden for the term of four years with a salary of $125.00 per month and that the appointment be made in addition to the prescribed number of deputy game and fish wardens.

Approved March 10th, 1909.

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